



# भारत का राजपत्र The Gazette of India

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सं. 20]

नई दिल्ली, मई 19—मई 25, 2024, शनिवार/वैशाख 29—ज्येष्ठ 4, 1946

No. 20]

NEW DELHI, MAY 19—MAY 25, 2024, SATURDAY/VAISAKHA 29—JYAISHTHA 4, 1946

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके  
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)  
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं  
Statutory Orders and Notifications Issued by the Ministries of the Government of India  
(Other than the Ministry of Defence)

वित्त मंत्रालय  
(वित्तीय सेवाएं विभाग)

नई दिल्ली, 20 मई, 2024

का.आ. 935.—भारतीय निर्यात-आयात बैंक अधिनियम, 1981 (1981 का 28) की धारा 6 की उप-धारा (1) के खंड (ड.) के उप-खंड (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री विपुल बंसल के स्थान पर श्री सिद्धार्थ महाजन, संयुक्त सचिव, वाणिज्य विभाग को तत्काल प्रभाव से और अगले आदेशों तक भारतीय निर्यात-आयात बैंक (एक्विम बैंक) के बोर्ड में निदेशक नामित करती है।

[फा. सं. 9/1/2022-आईएफ-1]

सुभाषचन्द्र अमीन, अवर सचिव

**MINISTRY OF FINANCE**  
**(Department of Financial Services)**

New Delhi, the 20th May, 2024

**S.O. 935.**—In exercise of the powers conferred by Sub-Clause (i) of Clause (e) of Sub-Section (1) of Section 6 of the Export Import Bank of India Act, 1981 (No. 28 of 1981), the Central Government hereby nominates Shri Siddharth Mahajan, Joint Secretary, Department of Commerce, as Director on the Board of Export Import Bank of India (Exim Bank) vice Shri Vipul Bansal, with immediate effect and until further orders.

[F. No. 9/1/2022-IF-I]

SUBHASHCHANDRA AMIN, Under Secy.

नई दिल्ली, 20 मई, 2024

**का.आ. 936.**—बीमा विनियामक और विकास प्राधिकरण अधिनियम, 1999 (1999 का 41) की धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्द्वारा, युनाइटेड इंडिया इश्योरेंस कंपनी लिमिटेड, चेन्नई के भूतपूर्व अध्यक्ष-सह-प्रबंध निदेशक श्री सत्यजीत त्रिपाठी को चार लाख रुपए प्रतिमाह (आवास और कार की सुविधा के बिना) के समेकित वेतन पैकेज पर कार्यभार ग्रहण करने की तारीख से 62 वर्ष की आयु प्राप्त करने तक अथवा अगले आदेशों तक, जो भी पहले हो, भारतीय बीमा विनियामक और विकास प्राधिकरण (इरडाई) में पूर्णकालिक सदस्य (वितरण) नियुक्त करती है।

[फा. सं. आर-12011/02/2023-बीमा-I]

अब्दुल गुफरान, अवर सचिव

New Delhi, the 20th May, 2024

**S.O. 936.**—In exercise of the powers conferred by section 4 of the Insurance Regulatory and Development Authority Act, 1999 (41 of 1999), the Central Government hereby appoints Shri Satyajit Tripathy, former Chairman-cum-Managing Director, United India Insurance Company Limited, Chennai as Whole-Time Member (Distribution) in the Insurance Regulatory and Development Authority of India (IRDAI), on a consolidated pay package of four lakh rupees per month (without facility of house and car), with effect from the date of assumption of charge of the post till he attains the age of 62 years or until further orders, whichever is earlier.

[F. No. R-12011/02/2023-Ins.I]

ABDUL GUFRAN, Under Secy.

**विदेश मन्त्रालय**

(सी.पी.वी. प्रभाग)

नई दिल्ली, 14 मई, 2024

**का.आ. 937.**—राजनयिक और कौंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश।

एतद्द्वारा, केंद्र सरकार, मई 14, 2024 से कांसुलर सेवाएं के निर्वहन करने के लिए विदेश में भारतीय मिशन/पोस्टों में सहायक कांसुलर अधिकारियों के रूप में इस मंत्रालय के नीचे उल्लिखित अधिकारियों की नियुक्ति करता है:

क्रम सं.	अधिकारी का नाम और पद	मिशन / पोस्ट जिसमें सहायक कांसुलर अधिकारी के रूप में नियुक्त किया गया है
1	श्री स्वपन कुमार हजोंग, सहायक अनुभाग अधिकारी	भारतीय दूतावास, कुवैत
2	श्री पासांग त्सेरिंग, सहायक अनुभाग अधिकारी	भारतीय उच्चायोग, मापुटो, मोज़ाम्बिक

[फा. सं. टी. 4330/01/2024(16)]

एस.आर.एच. फहमी, निदेशक (सीपीवी-1)

**MINISTRY OF EXTERNAL AFFAIRS**  
(CPV Division)

New Delhi, the 14th May, 2024

**S.O. 937.**—Statutory Order in pursuance of clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1048), the Central Government hereby appoints the below mentioned officials of this Ministry, as Assistant Consular Officers in Indian Missions/Posts abroad to perform Consular services with effect from May 14, 2024:

Sl. No.	Name & Rank of the Officer	Mission/Post wherein appointed as Assistant Consular Officer
1	Mr. Swapan Kumar Hajong, Assistant Section Officer	Embassy of India, Kuwait
2	Mr. Passang Tsering, Assistant Section Officer	High Commission of India, Maputo, Mozambique

[F. No.T.4330/01/2024(16)]

S.R.H FAHMI, Director (CPV-I)

नई दिल्ली, 20 मई, 2024

**का.आ. 938.**—राजनयिक और कोंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश।

एतद्वारा, केंद्र सरकार, मई 20, 2024 से कांसुलर सेवाएं के निर्वहन करने के लिए विदेश में भारतीय मिशन/पोस्टों में सहायक कांसुलर अधिकारियों के रूप में इस मंत्रालय के नीचे उल्लिखित अधिकारियों की नियुक्ति करता है:

क्रम सं.	अधिकारी का नाम और पद	मिशन / पोस्ट जिसमें सहायक कांसुलर अधिकारी के रूप में नियुक्त किया गया है
1	श्री अनूप मेनोन अंबलप्पाट्ट, सहायक अनुभाग अधिकारी	भारतीय दूतावास, बहरीन
2	श्री रवि छेत्री, सहायक अनुभाग अधिकारी	भारतीय दूतावास, बग़दाद

[फा. सं. टी. 4330/01/2024(17)]

एस.आर.एच. फहमी, निदेशक (सीपीवी-1)

New Delhi, the 20th May, 2024

**S.O. 938.**—Statutory Order in pursuance of clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1048), the Central Government hereby appoints the below mentioned officials of this Ministry, as Assistant Consular Officers in Indian Missions/Posts abroad to perform Consular services with effect from May 20, 2024:

S. No	Name & Rank of the Officer	Mission/Post wherein appointed as Assistant Consular Officer
1	Mr. Anoop Menon Ambalappatte, Assistant Section Officer	Embassy of India, Bahrain
2	Mr. Ravi Chettri, Assistant Section Officer	Embassy of India, Baghdad

[F. No.T. 4330/01/2024(17)]

S.R.H FAHMI, Director (CPV-I)

**रेल मंत्रालय**  
(रेलवे बोर्ड)

नई दिल्ली, 2 फरवरी, 2024

**का.आ. 939.**—रेल मंत्रालय (रेलवे बोर्ड), राजभाषा नियम 1976 (संघ के शासकीय प्रयोजनों के लिए प्रयोग) के नियम 10 के उपनियम (2) और (4) के अनुसरण में निम्नलिखित कार्यालयों जहां 80 प्रतिशत से अधिक अधिकारियों/कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करता है:-

1. मुख्य परियोजना प्रबंधक, रेल विकास निगम लिमिटेड, विशाखापत्तनम यूनिट.
2. प्रमुख मुख्य चिकित्सा निदेशक, केन्द्रीय चिकित्सालय, उत्तर पश्चिम रेलवे, जयपुर.

[फा. सं. हिंदी-2023/रा.भा.-1/12/1/(1721570)]

डॉ. बरुण कुमार, निदेशक, राजभाषा

**MINISTRY OF RAILWAYS**

**(Railway Board)**

New Delhi, the 2nd February, 2024

**S.O. 939.**—Ministry of Railways (Railway Board) in pursuance of Sub Rule (2) and (4) of Rule 10 of the Official Language Rules, 1976 (use for the Official purposes of the Union) hereby, notify the following offices where 80% or more Officers/Employees have acquired the working knowledge of Hindi:-

1. Chief Project Manager, Rail Vikas Nigam Ltd., Visakhapatnam Unit.
2. Principle Chief Medical Director, Central Hospital, North Western Railway, Jaipur.

[F. No. Hindi-2023/O.L-1/12/1/( 1721570)]

Dr. BARUN KUMAR, Director(O.L.)

नई दिल्ली, 8 मार्च, 2024

**का.आ. 940.**—रेल मंत्रालय (रेलवे बोर्ड), राजभाषा नियम 1976 (संघ के शासकीय प्रयोजनों के लिए प्रयोग) के नियम 10 के उपनियम (2) और (4) के अनुसरण में निम्नलिखित कार्यालयों जहां 80 प्रतिशत से अधिक अधिकारियों/कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करता है:-

1. चतुर्थ वाहिनी, रेलवे सुरक्षा विशेष बल, न्यूजलपाईगुड़ी, पश्चिम बंगाल।
2. उप मुख्य इंजीनियर/निर्माण, उत्तर पश्चिम रेलवे, जयपुर।
3. उप मुख्य इंजीनियर/निर्माण, उत्तर पश्चिम रेलवे, उदयपुर।
4. उप मुख्य इंजीनियर/निर्माण, उत्तर पश्चिम रेलवे, बीकानेर।
5. उप मुख्य इंजीनियर/निर्माण, उत्तर पश्चिम रेलवे, जोधपुर।
6. उप मुख्य इंजीनियर/निर्माण, उत्तर पश्चिम रेलवे, मकराना।
7. उप मुख्य इंजीनियर/निर्माण, उत्तर पश्चिम रेलवे, अजमेर।
8. मुख्य परियोजना प्रबंधक, रेल विकास निगम लिमिटेड, पुणे यूनिट।
9. मुख्य परियोजना प्रबंधक, रेल विकास निगम लिमिटेड, झांसी यूनिट।
10. मुख्य परियोजना प्रबंधक, रेल विकास निगम लिमिटेड, वाराणसी यूनिट।

[फा. सं. हिंदी-2023/रा.भा.-1/12/1/(1721748)]

डॉ. बरुण कुमार, निदेशक, राजभाषा

New Delhi, the 8th March, 2024

**S.O. 940.**—Ministry of Railways (Railway Board) in pursuance of Sub Rule (2) and (4) of Rule 10 of the Official Language Rules, 1976 (use for the Official purposes of the Union) hereby, notify the following offices where 80% or more Officers/Employees have acquired the working knowledge of Hindi:-

1. 4<sup>TH</sup> Battalion, Railway Protection Special Force, Newjalpaiguri, West Bengal.
2. Deputy Chief Engineer/ Construction, North West Railway, Jaipur.
3. Deputy Chief Engineer/ Construction, North West Railway, Udaipur.
4. Deputy Chief Engineer/ Construction, North West Railway, Bikaner.
5. Deputy Chief Engineer/ Construction, North West Railway, Jodhpur.

6. Deputy Chief Engineer/ Construction, North West Railway, Makrana.
7. Deputy Chief Engineer/ Construction, North West Railway, Ajmer.
8. Chief Project Manager, Rail Vikas Nigam Ltd., Pune Unit.
9. Chief Project Manager, Rail Vikas Nigam Ltd., Jhansi Unit.
10. Chief Project Manager, Rail Vikas Nigam Ltd., Varanasi Unit.

[F. No. Hindi-2023/O.L-1/12/1/( 1721748)]

Dr. BARUN KUMAR, Director(O.L.)

**कौशल विकास और उद्यमशीलता मंत्रालय**

(प्रशिक्षण महानिदेशालय)

नई दिल्ली, 16 मई, 2024

**का.आ. 941.**—केंद्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग नियम 1976 (यथा संशोधित 1987) के नियम 10 के उप नियम (2) एवं (4) के अनुसरण में एतद्वारा प्रशिक्षण महानिदेशालय (कौशल विकास और उद्यमशीलता मंत्रालय) के अधीनस्थ कार्यालय राष्ट्रीय कौशल प्रशिक्षण संस्थान (महिला), वडोदरा को जिसके 80% से अधिक कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

[फा. सं. डीजीटी-ई-11012/1/2017-हिंदी]

गुलाब चंद्रा, सहा. निदेशक

**MINISTRY OF SKILL DEVELOPMENT AND ENTREPRENEURSHIP**

(Directorate General of Training)

New Delhi, the 16th May, 2024

**S.O. 941.**—In Pursuance of sub- rule (2) and (4) rule 10 of the Official Languages (Use of Official Purposes of the Union) Rule 1976 (As Amended 1987), the Central Government hereby notifies the National Skill Training Institute (W), Vadodara is subordinate office of Directorate General of Training (Ministry of Skill Development and Entrepreneurship), more than 80% staff whereof have acquired the working knowledge of Hindi.

[F. No. DGT-E-11012/1/2017-HINDI]

GULAB CHANDRA, Asst. Director

**श्रम और रोजगार मंत्रालय**

नई दिल्ली, 15 मई, 2024

**का.आ. 942.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.ई.सी.एल के प्रबंधन के संबद्ध नियोजको और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, जबलपुर के पंचाट (एलसी/आर/12/2016) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18/04/2024 को प्राप्त हुआ था।

[सं. एल-22012/51/2015-आई.आर. (सी.एम-II)]

मणिकंदन.एन, उप निदेशक

**MINISTRY OF LABOUR AND EMPLOYMENT**

New Delhi, the 15th May, 2024

**S.O. 942.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award ( LC/R/12/2016 ) of the Central Government Industrial Tribunal-cum-

**Labour Court, Jabalpur** as shown in the Annexure, in the industrial dispute between the Management of **S.E.C.L.** and their workmen, received by the Central Government on **18/04/2024**.

[No. L-22012/51/2015– IR (CM-II)]

MANIKANDAN. N, Dy. Director

**ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT,  
JABALPUR**

**NO. CGIT/LC/R/12/2016**

**Present: P.K.Srivastava**

**H.J.S..( Retd)**

**The General Secretary,  
Koyla Mazdoor Sabha(HMS),  
Qtr.No. M/91, Vikar Nagar,  
Distt. Korba-495454, Chhatisgarh.**

**Workman**

**Versus**

**The General Manager(Mining),  
South Eastern Coalfields Limited,  
Kusmunda Project, PO : Kusmund Colliery,  
Distt. Korba, Chhatisgarh**

**Management**

**AWARD**

**(Passed on this 21<sup>th</sup> day of February-2024.)**

As per letter dated 02/02/2016 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number L-22012/51/2015 (IR(CM-II)) dt. 02/02/2016. The dispute under reference related to :-

**“Whether the action of the management of South Eastern Coalfields Ltd. Kusmunda Project in taking action towards depromoting Shri Deepak Kumar Dubey s/o Mulchand from the post of EP welder -I to EP welder with effect from the date of promotion in the decision-making process after holding DPC is appropriate and justified ? If not, what relief Shri Deepak Kumar Dubey is entitled to and from which date?”**

After registering a case on the basis of reference received, notices were sent to the parties and where duly served on them. The Workman first appeared in this case on September 28<sup>th</sup>, 2022 through counsel Rashmi Pathak who filed her Vakalatnama and sought time for filing his statement of claim. She also never appeared thereafter.

The management has filed its written statement of defence wherein it has denied the claim in the reference and has put up a case that in fact the said promotion order was issued by mistake and when this mistake was diagnosed, the order was recalled correcting the mistake. According to management, promotion is regulated as per the Cadre Scheme applicable to each cadre. The departmental promotion committee had recommended the names of seven persons for promotion. The name of the applicant Workman was in the last of the list. Subsequently it came out that as per manpower budget for the year there was no manpower requirement to the post of EP welder Grade I hence, the Committee issued corrigendum after re-examination of the report of the Departmental Promotion Committee and in the light of said corrigendum, the promotion order was cancelled. Further, according to management, when subsequent manpower budget was available, the applicant Workman was promoted vide order dated March 31<sup>st</sup>, 2013. Accordingly, the management has prayed that the reference be answered against the Workman.

The case proceeded ex parte against the Workman vide order dated December 8<sup>th</sup>, 2023. The management has filed photocopy documents. No affidavit of management witness has been filed.

I have heard argument of learned counsel for management. Mr Neeraj Kewat and have gone through the record.

The reference itself is the issue for determination in this case.

The initial burden to prove his claim is on the workman. Since he has not filed even in any statement of claim, nor has he filed any document or affidavit in support of his case, he is held to have failed in discharging his burden to prove his claim. Accordingly, holding the claim of the workman not proved, the reference deserves to be answered against the Workman and is answered accordingly.

#### AWARD

**In the light of this factual backdrop, holding that the claim of the workman is not proved, the reference deserves to be answered against the Workman and is answered accordingly.**

Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

P. K. SRIVASTAVA, Presiding Officer

DATE: 21/02/2024

नई दिल्ली, 15 मई, 2024

**का.आ. 943.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, आसनसोल के पंचाट (सन्दर्भ संख्या 12/2021) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04/05/2024 को प्राप्त हुआ था।

[सं. एल-22012/32/2021-आई.आर. (सी.एम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 15th May, 2024

**S.O. 943.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award ( **Reference.I.D.No.12/2021**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.L.** and their workmen, received by the Central Government on **04/05/2024**.

[No. L-22012/32/2021- IR (CM-II)]

MANIKANDAN. N, Dy. Director

#### ANNEXURE

#### BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT, ASANSOL.

**PRESENT:** Shri Ananda Kumar Mukherjee,  
Presiding Officer,  
C.G.I.T-cum-L.C., Asansol.

#### REFERENCE CASE NO. 12 OF 2021

**PARTIES:** Kola Bhuiya  
(dependent son of Late Nagia Kamin)  
**Vs.**  
Management of Nimcha Colliery of ECL

#### REPRESENTATIVES:

For the Union/Workman : Mr. Rakesh Kumar, President, Koyala Mazdoor Congress.  
For the Management of ECL : Mr. P. K. Das, Advocate.

**INDUSTRY:** Coal.  
**STATE:** West Bengal.  
**Dated:** 27.03.2024

### AWARD

In exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/32/2021-IR(CM-II)** dated 16.08.2021 has been pleased to refer the following dispute between the employer, that is the Management of Nimcha Colliery under Satgram Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

### SCHEDULE

*“Whether the action of the management of M/s ECL vide Ref. No.SAT/PER/EMPL/98/1905 dated 23/25-12-1998 in rejecting the claim of Kola Bhuiya dependent son of Late Nagin Kamin, Ex-Wagon Loader, who expired on 08-01-1991 while in service for employment on compassionate ground under the provisions of NCWA, is legal and justified? If not, what relief Kola Bhuiya dependent son of Late Nagin Kamin Ex-Wagon Loader is entitled to and from which date?”*

1. On receiving Order **No. L-22012/32/2021-IR(CM-II)** dated 16.08.2021 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 12 of 2021** was registered on 16.08.2021 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and a list of witnesses.

2. Mr. Rakesh Kumar, Union representative and Mr. P. K. Das, learned advocate for the management of ECL filed their written statement on 21.11.2022. Fact of the case in brief, is that Nagia Kamin, Ex-Wagon Loader who was employed at Nimcha Colliery under Satgram Area of Eastern Coalfields Limited (hereinafter referred to as ECL), expired on 08.01.1991 while she was in service of the company. Kola Bhuiya, son of Late Nagia Kamin claimed employment as a dependent under the provision of National Coal Wage Agreement (hereinafter referred to as NCWA). The Management of ECL delayed the matter and asked him to submit some more document. The employment proposal was processed by the Screening Committee at Colliery level and Kola Bhuiya appeared before the Initial Medical Examination Board (hereinafter referred to as IME Board), where he was declared fit for employment. The proposal was forwarded to the Headquarters of ECL for approval. By letter No.SAT/PER/EMPL/98/1905 dated 23/25.12.1998 informed that the competent authority has expressed his inability to consider the case as it was a belated claim for employment. Kola Bhuiya in his written statement has contended that his claim was not a belated one as he had claimed employment just after the death of his mother but failed to produce the documents. It is further stated that the dependent son has no source of income for his livelihood and is facing starvation with other family members and he should be provided employment.

3. Management filed written statement wherein it is stated that the Industrial Dispute has been raised more than twenty-eight years after the death of Nagia Kamin on 08.01.1991. It is submitted that as per office record Kola Bhuiya submitted an application for his employment on 26.03.1997. According to the management, compassionate appointment is an exception to the general rule of appointment in the public services. It is urged that the whole object of granting compassionate appointment is to enable the family to tide over the sudden financial crisis but the claimant failed to submit his claim for employment within reasonable time or substantiate a case that the family was in a dire need of livelihood in absence of the sole bread earner. The management contended that inordinate delay in claiming employment is unjustified and relied upon a case wherein the Hon'ble Supreme Court of India in the case of **Nedungadi Bank Ltd. Vs. K. P. Madhavankutty and Others [AIR 2000 SC 839]**, observed that the Government should exercise the power of referring under provisions of Industrial Disputes Act, 1947 in reasonable and rational manner and it should not accept the case referred it for adjudication after a lapse of seven years, as there was no Industrial Dispute existed or could be even said to have been apprehended. The management urged that the claim should not be allowed and the Industrial Dispute is liable to be dismissed.

4. To substantiate his case Kola Bhuiya examined himself as Workman witness – 1 and he filed an affidavit-in-chief reiterating the case disclosed in his written statement. In course of his evidence-in-chief the witness produced several documents which have been admitted in evidence as follows :

- (i) Photocopy of the Death Registration Certificate of Nagia Kamin has been marked as Exhibit W-1.
- (ii) Photocopy of the Service Record Excerpt of Nagia Kamin in three pages, as Exhibit W-2.
- (iii) Photocopy of the Office Order dated 11/13.11.1997, whereby he was referred to the Screening Committee, as Exhibit W-3.
- (iv) Photocopy of the letter dated 27/29.11.1997 directing him to file some documents, as Exhibit W-4.
- (v) Photocopy of letter explaining cause of delay, as Exhibit W-5.
- (vi) Photocopy of the subsequent applications dated 02.09.2003 and 13.02.2010, as Exhibit W-6 and W-7 respectively.



In his examination-in-chief the witness admitted that he has no document to show that he had filed application before the company seeking employment.

5. In his cross-examination the workman witness identified his letter submitted in the year 1997 as Exhibit M-1. The evidence of WW-1 reveals that the claimant had four other brothers. After death of Kashi Bhuiya, his father, the elder brother of the claimant namely Mohan Bhuiya was provided with employment under ECL as a dependent of his father. The witness denied that he is not entitled to employment as dependent of his mother and also stated that his other four brothers have died.

6. Mr. Sumit Choudhary, Deputy Manager (Personnel) at Nimcha Colliery has been examined as Management witness – 1. In his affidavit-in-chief the witness stated that Kola Bhuiya submitted applications dated 26.03.1997 and 18.09.1997. The four other brothers had no objection against the claim for employment of Kola Bhuiya, as dependent. It is evident from his affidavit-in-chief that Kola Bhuiya appeared before the Screening Committee as per the Office Order dated 15.11.1997 and a report was prepared on 25.03.1998. On 27.04.1998 the employment proposal was initiated by the Personnel Manager of Satgram Area. On 23/25.12.1998 the Agent Nimcha (R) Colliery was informed that the claim for employment had failed due to delay. In his examination-in-chief the management witness has produced the following documents :

- (i) Photocopy of the application of Kola Bhuiya addressed to the General Manager of Satgram Area has been marked as Exhibit M-1.
- (ii) Photocopy of the Death Registration Certificate of Nagia Kamin, as Exhibit M-2.
- (iii) Photocopy of the Service Record Excerpt of Nagia Kamin in three pages, as Exhibit M-3.
- (iv) Photocopy of the application dated 18.09.1997, regarding no objection of other legal heirs, as Exhibit M-4.
- (v) Photocopy of the application of Kola Bhuiya dated 29.12.1997, as Exhibit M-5.
- (vi) Photocopy of the letter dated 12/15.01.1998 requesting Kola Bhuiya to submit some documents and to state reasons for delay, as Exhibit M-6.
- (vii) Photocopy of the application of Kola Bhuiya dated 02.02.1998 addressed to the General Manager, Satgram Area, informing cause of delay, as Exhibit M-7.
- (viii) Photocopy of the Office Order dated 11/13.11.1997, as Exhibit M-8.
- (ix) Photocopy of the report of the Screening Committee in two pages, as Exhibit M-9.
- (x) Photocopy of the Note Sheet dated 27.04.1998 regarding claim for employment of Kola Bhuiya, as Exhibit M-10.
- (xi) Photocopy of the letter dated 23/25.12.1998 informing that the competent authority has expressed his inability to consider the employment proposal, as Exhibit M-11.

In his evidence-in-chief the management witness deposed that the elder brother of Kola Bhuiya did not issue no objection in his favour regarding employment. On 18.09.1997 an application was submitted by Kola Bhuiya informing that the other legal heirs have no objection if employment was provided to him. (Exhibit M-4). The Deputy Chief Personnel Manager (HQ) regretted the claim for employment due to delay of seven years.

7. In cross-examination the management witness deposed that he is unable to produce any document to show that the management of the company informed the dependent of Late Nagia Kamin regarding his entitlement to death benefits. The cross-examination of management witness reveals that Kola Bhuiya had been referred to IME for employment. He denied that the management of the company acted illegally by not providing employment to the dependent of Late Nagia Kamin.

8. The union representative vehemently argued that on the death of an employee, Clause 9.4.2 of NCWA provided for employment to one dependent of the deceased employee. In the instant case Kola Bhuiya, the dependent son of Late Nagia Kamin applied for his employment but the management delayed the matter on various pretexts and finally communicate their inability to consider the prayer due to delay. It is argued that dependent son of the workman has participated in the process and had appeared before the Screening Committee on 20.11.1997, which examined Kola Bhuiya and finally referred the matter to the Chief Personnel Manager, Satgram Area for processing the case. The union urged that the management failed to consider the prayer of the dependent in accordance with law and the dependent son should be provided with employment at the earlier.

9. In reply the learned advocate for the management harped upon their case that the son of the deceased employee submitted the application for employment after inordinate delay for which the management was unable to provide any employment.

10. I have considered the rival contention of parties in light of the evidence on record and argument advanced on behalf of both parties.

11. It is a settled principle of law that a public post is not a heritable property. The Hon'ble Supreme Court of India in the case of **State Bank of India Vs. Jaspal Kaur [(2007) 9 SCC 571]** held that :

*"..... public post is not heritable, therefore, the right to compassionate appointment is not a heritable property."*

In a catena of decisions, the Hon'ble Supreme Court of India observed that appointment on compassionate ground is an exception to the constitutional scheme of equality as adumbrated under Articles 14 and 16 of the Constitution of India

12. The object of providing employment to the dependent of the deceased employee is to prevent destitution or penury in the family of the deceased employee. It is also well settled that the compassionate appointment is not a matter of heritable right and depends upon the extant rules or schemes under which benefits or facilities are envisaged. The NCWA is one such scheme adopted by the representatives of the management, union and workmen casting duty upon themselves to provide employment to a dependent of the deceased employee under certain circumstances. Though in course of framing NCWA, the policy makers did not prefer to use the expression "compassionate appointment", it lays down that one dependent family member is entitled to employment within certain range of age, if such dependent expresses the choice. The expression "dependent" connotes that the person concerned has no independent means or source of livelihood and seeks support from some other person. Therefore, it is necessary to consider whether the person claiming employment as a dependent of the deceased employee has any suitable source of livelihood to be considered as a dependent. In the instant case Nagia Kamin died in the year 08.01.1991. The evidence disclosed that for the first time on 26.03.1997 the management received claimant's application for employment (Exhibit M-1). The dependent petitioner failed to indicate that it had made any earlier claim for employment. the passage of time of over six years suggests that the petitioner was in a position to wade over the necessities of life. The evidence of WW-1 also reveals that another member of his family i.e. his elder brother, Mohan Bhuiya was already employed under ECL as a dependent of his father, Late Kashi Bhuiya. Since the family had means of sustenance, the delayed claim for employment of Kola Bhuiya has no merit. In my considered view the management of the company committed no illegality by regretting the claim of employment by Kola Bhuiya as a dependent of Late Nagia Kamin. The Industrial Dispute raised by the union therefore has no merit and the same is dismissed on contest.

Hence,

#### ORDERED

that the Industrial Dispute raised against rejection of claim for employment of Kola Bhuiya as a dependent son of Late Nagia Kamin is dismissed on contest. An award be drawn up in light of my above findings. Let copies of the Award in duplicate be sent to the Ministry of Labour, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 15 मई, 2024

**का.आ. 944.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, आसनसोल के पंचाट (सन्दर्भ संख्या 09/2016) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04/04/2024 को प्राप्त हुआ था।

[सं. एल-22012/11/2016-आई.आर. (सी.एम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 15th May, 2024

**S.O. 944.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award ( **Reference. I.D. No. 09/2016**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.L.** and their workmen, received by the Central Government on **04/04/2024**.

[No. L-22012/11/2016- IR (CM-II)]

MANIKANDAN. N, Dy. Director

**ANNEXURE**  
**BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT,**  
**ASANSOL.**

**PRESENT:** Shri Ananda Kumar Mukherjee,  
Presiding Officer,  
C.G.I.T-cum-L.C., Asansol.

**REFERENCE CASE NO. 09 OF 2016**

**PARTIES:** Chhangur Pasi  
**Vs.**  
Management of Dhemomain Group of Mines of ECL

**REPRESENTATIVES:**

For the Union/Workman: Mr. Rakesh Kumar, President, Koyala Mazdoor Congress.  
For the Management of ECL: Mr. P. K. Goswami, Advocate.

**INDUSTRY:** Coal.  
**STATE:** West Bengal.  
**Dated:** 26.03.2024

**AWARD**

In exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/11/2016-IR(CM-II)** dated 02.05.2016 has been pleased to refer the following dispute between the employer, that is the Management of Dhemomain Group of Mines under Sodepur Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

**SCHEDULE**

*“Whether the action of the management of Narsamuda Project under Sodepur Area of M/s. ECL in dismissing Shri Chhangur Pasi, U.G. Loader is legal and justified? If not, to what relief the workman is entitled to? ”*

1. On receiving Order **No. L-22012/11/2016-IR(CM-II)** dated 02.05.2016 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 09 of 2016** was registered on 13.05.2016 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and a list of witnesses.
2. Mr. Rakesh Kumar, Union representative on 13.07.2016 filed written statement on behalf of the dismissed workman, Chhangur Pasi. On 30.01.2017 Mr. P. K. Goswami, learned advocate appeared and filed written statement for the management of Eastern Coalfields Limited (hereinafter referred to as ECL). The case of the aggrieved workman is that he was employed as an Underground Loader at Narsamuda Colliery under Sodepur Area of ECL, having UM No. 154250. Due to his illness from 01.09.1997 he was unable to attend his duty. After he recovered from his ailment, he went to join his duty but the management did not permit him to join and issued a Charge Sheet bearing No. NSP/C-6/1058 dated 20.10.1997. Chhangur Pasi submitted his reply to the Charge Sheet but the management started a Domestic Enquiry. It is the case of the dismissed workman that his place of work was far away from his place of residence and no quarters was allotted to him by the company. He could not inform the management about his illness. The management issued a 2<sup>nd</sup> Charge Sheet to him bearing No. NSP/C-6/98/253 dated 03.06.1998 alleging that Chhangur Pasi absented from duty from August 1997 till the date of Charge Sheet without authorization. While at one place it has been stated that he was absent from duty from August 1997, at another place it is stated that he was absent from 01.09.1997. The workman participated in the enquiry and disclosed in course of enquiry that he could not attend his duty due to his illness. He also submitted documents related to his medical treatment at the time of reporting for duty. Further, case of the union is that the Enquiry Proceeding was concluded hastily in one sitting and an extreme and harsh punishment of dismissal was passed against the workman by issuing an Order of Dismissal, bearing No. NSP/C-6/Dismissal/99/750 dated 16/19.01.1999, without issuing any 2<sup>nd</sup> Show Cause Notice. According to the union the Disciplinary Authority is the General Manager of the Area but the Order of Dismissal was issued by the Manager of the Colliery. As such the Order of Dismissal has no force and is illegal. The workman submitted a Mercy Petition for his reinstatement in service according to the terms of the Memorandum of Settlement

dated 22.05.2007, wherein it had been provided that if the dismissed employee was up to forty-five years of age and absented for a period up to nine months then his request for reinstatement could be considered. The date of birth of Chhangur Pasi is 23.06.1969 and at the time of submitting his Mercy Petition his age was less than forty-five years and his period of absence was nine months from 01.09.1997 to 02.06.1998. The management did not consider his appeal. Being aggrieved the workman filed a Writ Petition before the Hon'ble High Court at Calcutta bearing WP No. 279 of 2011. By order dated 22.01.2014, learned single Judge of the Hon'ble High Court at Calcutta directed the respondent no. 4 to consider the petitioner's representation appearing as Annexure "P-5" to the petition at page 27 thereof in accordance with law and strictly in terms of the prevailing policy of the respondent coal company and a reasoned order in such regard was to be communicated by the Respondent No. 4 to the petitioner within six weeks from the date. The General Manager, Sodepur Area complied the direction of the Hon'ble High Court and considered the representation of the petitioner. Chhangur Pasi had been dismissed from service on the ground of unauthorized absence for more than nine months. The union in its written statement has challenged the Enquiry Proceeding and its findings and prayed for reinstatement of Chhangur Pasi and payment of full back wages along with consequential benefits.

3. Management contested the case by filing written statement wherein it has been stated that Chhangur Pasi was in the habit of remaining absent from duty without any authorization for which a second Charge Sheet was issued against him, bearing No. NSP/C-6/98/253 dated 03.06.1998. The workman replied to the Charge Sheet stating that he was suffering from illness and was under medical treatment at Sub-Divisional Hospital, Asansol. A Departmental Enquiry was initiated and after giving sufficient opportunity and following the principles of natural justice, management dismissed the workman by order of dismissal dated 16/19.01.1999. After long lapse of time, Chhangur Pasi filed a Writ Petition before the Hon'ble High Court at Calcutta bearing WP No. 279 of 2011, wherein the Hon'ble Justice Sanjib Banerjee by order dated 22.01.2014 disposed of the Writ Petition with a direction to the management to consider the petition of Chhangur Pasi in accordance with law, following prevailing policy of the company. A reasoned order was passed on 03.06.2014 and management found no merit in the representation of the workman. The President of Koyala Mazdoor Congress raised an Industrial Dispute after sixteen years. Management urged that Chhangur Pasi is not a member of the said union and the union has no locus standi to raise dispute. The workman has sufficient source of income to maintain his family and the case is liable to be dismissed.

4. Chhangur Pasi was examined as Workman Witness – 1. He filed an affidavit-in-chief, reiterating his case in the written statement. The workman did not place any document for admission in evidence. In his cross-examination the workman denied that he was not suffering from illness and admitted that he attended the enquiry proceeding where he stated the reason of his absence from duty.

5. Management examined Ms. G Meena Kumari, Assistant Manager (Personnel), Narsamuda Colliery, ECL as Management Witness – 1. She filed an affidavit-in-chief and produced several documents which have been admitted in evidence as follows :

- (i) Photocopy of the Charge Sheet bearing No. NSP/C-6/98/253 dated 03.06.1998 has been marked as Exhibit M-1.
- (ii) Photocopy of the reply submitted by Chhangur Pasi disclosing the reason of his absence from duty, as Exhibit M-2.
- (iii) Photocopy of the letter issued by the Agent, Dhemomain Colliery appointing Mr. M. A. Ansari, Accounts Officer as Enquiry Officer, as Exhibit M-3.
- (iv) Photocopy of the Notice of enquiry, as Exhibit M-4.
- (v) Photocopy of the Enquiry Proceeding in three pages including statement of Chhangur Pasi and Management Representative, as Exhibit M-5.
- (vi) Photocopy of the letter issued by the Chief General Manager, Sodepur Area dated 11/12.01.1999 directing dismissal of Chhangur Pasi with immediate effect, as Exhibit M-6.
- (vii) Photocopy of the letter dated 14/15.01.1999 of the Agent, Dhemomain Colliery addressed to the Manager Narsamuda Colliery informing that Chhangur Pasi has been dismissed, as Exhibit M-7.
- (viii) Photocopy of the Mercy Petition for reinstatement in service submitted by Chhangur Pasi, as Exhibit M-8.
- (ix) Photocopy of the Server copy of the Hon'ble High Court's order in WP No. 279 of 2011 has been marked as 'X' for identification.
- (x) Photocopy of the Reasoned Order dated 03.06.2014 passed by the General Manager, Sodepur Area in compliance with the Hon'ble High Court's order, as Exhibit M-9.

- (xi) Signature of Chhangur Pasi indicating service of copy of the Reasoned Order upon him, as Exhibit M-10.
- (xii) Photocopy of the letter dated 16/19.01.1999 issued by the Manager, Narsamuda Project addressed to Chhangur Pasi regarding his dismissal from service, as Exhibit W-1.

6. In her cross-examination the Management Witness admitted that no 2<sup>nd</sup> Show Cause Notice was issued to the workman after completing the enquiry and before his dismissal.

7. The short question for consideration is whether the dismissal of Chhangur Pasi from service by order dated 11/12.01.1999 is just, proper and in accordance with law.

8. Mr. Rakesh Kumar, Union representative advancing his argument submitted that Charge Sheet issued to the workman does not disclose any specific date since when the workman remained absent from duty in the month of August 1997. It is argued that the charge against the workman in the very inception is vague and no charge could have been framed against the workman on the basis of Charge Sheet. The second contention of the union is that the enquiry was held in a hasty manner, in a single sitting. It is pointed out the finding of the Enquiry Officer is cryptic in nature without disclosing the reason, as to why the statement of the workman regarding his illness and remaining under medical treatment at Sub-Divisional Hospital, Asansol was not taken into consideration. It is vehemently argued on behalf of the workman that no 2<sup>nd</sup> Show Cause Notice was issued to the workman which is mandatory under the law laid down by the Hon'ble Supreme Court of India in the case of **Union of India and Others vs Mohd. Ramzan Khan [1991 AIR SC 471]**. It is claimed that after the decision of the Hon'ble Supreme Court of India a Circular dated 12.05.1994 was issued by the Coal India Limited, wherein referring to the decision of the Hon'ble Supreme Court of India, the Director (P & IR), Coal India Limited laid down that the Enquiry Report should be supplied to the charged employee and while communicating the final order it must be mentioned that his representation was taken into consideration by the Disciplinary Authority. It is inter-alia argued that the age of the workman was below forty-five years on the date of filing the Mercy Petition and his period of absence was less than nine months. It is argued that the order of dismissal is illegal and the workman is required to be reinstated in service with consequential benefits.

9. Mr. P. K. Goswami, learned advocate argued that the workman admitted the charge of his unauthorized absence as he did not give any prior information to the management. The workman participated in the Enquiry Proceeding and was found guilty of the charge. The Disciplinary Authority having considered the finding of the Enquiry Officer issued his direction for dismissal of the workman in his letter dated 11/12.01.1999, which has been produced as Exhibit M-6. The subsequent communication by the Agent to the Manager by letter dated 14/15.01.1999 (Exhibit M-7) and the communication of the Manager to Chhangur Pasi about his dismissal from service by letter dated 16/19.01.1999 (Exhibit W-1) were all in compliance with the direction of the Chief General Manager of Sodepur Area, who was the Disciplinary Authority. Learned advocate referred to the Hon'ble High Court's order passed in WP No. 279 of 2011 and submitted that direction of the Hon'ble High Court was duly complied by the General Manager of Sodepur Area, who passed a reasoned order on 03.06.2014 and on careful examination he found that the period of unauthorized absence from duty from August 1997 to 02.06.1998 is more than nine months for which his case did not satisfy the requirements of Memorandum of Settlement dated 22.05.2007 and the workman failed to adduce any convincing evidence which compelled him to remain absent.

10. I have considered the rival contentions in the written statements of the parties, evidence adduced by the workman and management and the documents admitted in evidence in support of their cases. It is contended by the union that no specific date has been mentioned since when the workman had remained absent from duty. The Charge Sheet produced by the management as Exhibit M-1 reveals that the workman was absent from August 1997 without a specific date since when the workman was absent. The Management Representative examined by the Enquiry Officer, in his statement disclosed that Chhangur Pasi did not take any leave nor did he inform about his whereabouts for the period from 01.09.1997 to 25.08.1998. The Management Representative in the enquiry proceeding did not categorically state since when the charged employee was absent from duty. It appears to me that the Enquiry Officer did not consider the statement of Chhangur Pasi regarding his claim of being seriously ill from 01.09.1997 to 25.08.1998 when he was undergoing medical treatment at the Sub-Divisional Hospital, Asansol. The Notice for enquiry (Exhibit M-4) has referred the 2<sup>nd</sup> Charge Sheet No. NSP/C-6/98/253 dated 03.06.1998. Therefore, the same can be correlated with the Enquiry Proceeding leading to dismissal of Chhangur Pasi. It transpires from the materials in record that no 2<sup>nd</sup> Show Cause Notice was issued to the workman before the Disciplinary Authority passed the order of dismissal on 11/12.01.1999. It is true that after dismissal, a Mercy Petition was filed by the charged employee and thereafter, he preferred a Writ Petition before the Hon'ble High Court at Calcutta, highlighting the fact that his mercy petition was not consider in the light of the Memorandum of Settlement No. 1/4(9)/2007/D-1 dated 22.05.2007. The Hon'ble High Court's direction to Respondent No. 4 in the writ petition was complied. To my mind this ex post facto compliance does not substitute the mandatory requirement of the Disciplinary Authority from issuing a 2<sup>nd</sup> Show Cause Notice to the charged employee and supplying him with the Enquiry Proceeding Report and Findings of Enquiry Officer for submitting his explanation on such facts. It is apparent and admitted that the procedure of the enquiry was not lawfully exhausted.



11. In the case of **Union of India and Others vs Mohd. Ramzan Khan [AIR (1991) SC 471]**, the Hon'ble Supreme Court of India laid down the law as follows:

*“ When the Inquiry Officer is not the Disciplinary Authority, the delinquent employee has a right to receive a copy of the inquiry officer's report before the Disciplinary Authority arrives at its conclusion with regard to the charges levelled against him. A denial of the inquiry officer's report before the Disciplinary Authority takes its decision on the charges, is denial of opportunity to the employee to prove his innocence and is a breach of principles of natural justice.”*

In the present case Mr. M. A. Ansari, Accounts Officer, Narsamuda Colliery was appointed as the Enquiry Officer by the Agent of Dhemomain Colliery. The Chief General Manager was the Disciplinary Authority who was required to issue a 2<sup>nd</sup> Show Cause Notice to the charged employee, providing him an opportunity to meet findings of the Enquiry Officer in respect of the charge against him. The management has been directed by the Director (P & IR), Coal India Limited by a Circular No. CIL C-5A(VI)/50774/28 dated 12.05.1994, mandating that the law laid down by the Hon'ble Supreme Court of India in Mohd. Ramzan Ali's case would operate prospectively to the orders of punishment passed after 20.11.1990. The Enquiry Report therefore should have been supplied to the charged employee and while communicating the final order it must be mentioned that the representation of the employee was taken into consideration by the Disciplinary Authority.

12. Bearing the principle of law laid down by the Hon'ble Supreme Court of India, which has been made applicable by the Circular dated 12.05.1994, I hold that the management of Narsamuda Colliery under Sodepur Area of ECL has failed to comply the mandate of the Hon'ble Supreme Court of India in the aforementioned case and Circular of Coal India Limited dated 12.05.1994, resulting in breach of natural justice. Therefore, the order of dismissal of the workman by the Chief General Manager dated 11/12.01.1999 and order dated 03.06.2014 passed by Respondent No. 4 dismissing Chhangur Pasi from his service is found bad in law, the same are not tenable and are set aside. Chhangur Pasi's date of birth is 23.06.1969. Therefore, he has not reached his age of superannuation. The management of the company is directed to reinstate the workman within two (2) months from the date of communication of this order. The workman shall be entitled to all consequential benefits. In view of the facts and circumstances of this case and bearing in mind the fact that no service has been rendered by the workman during the pendency of proceeding and therefore he is not entitled to any back wages.

Hence,

#### ORDERED

that the Industrial Dispute is allowed on contest in favour of the workman. The order bearing No. Pd/C-6/99/36/3419 dated 11/12.01.1999 issued by the Chief General Manager, Sodepur Area of ECL dismissing Chhangur Pasi from his service with immediate effect is treated as non est and is set aside. The subsequent order dated 03.06.2014 passed by the General Manager, Sodepur Area of ECL in respect of refusal to reinstate Chhangur Pasi is also not found tenable due to non fulfilment of mandatory procedure and the same is without force. The management of the company is directed to reinstate the workman within two (2) months from the date of communication of this order. The workman shall be entitled to all consequential benefits. The workman however, shall not be entitled to any back wages as he has not rendered any service to the company. The period of his absence from duty be treated as dies non. An award be drawn up in light of my above findings. Let copies of the Award in duplicate be sent to the Ministry of Labour and Employment, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer,

नई दिल्ली, 15 मई, 2024

**का.आ. 945.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधन के संबद्ध नियोजको और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय**, आसनसोल के पंचाट (सन्दर्भ संख्या 33/2019) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04/04/2024 को प्राप्त हुआ था।

[सं. एल-22012/75/2019-आई.आर. (सी.एम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 15th May, 2024

**S.O. 945.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference. I.D. No. 33/2019**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.L.** and their workmen, received by the Central Government on **04/04/2024**.

[No. L-22012/75/2019- IR (CM-II)]

MANIKANDAN. N, Dy. Director

**ANNEXURE**  
**BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT,**  
**ASANSOL.**

**PRESENT:** Shri Ananda Kumar Mukherjee,  
Presiding Officer,  
C.G.I.T-cum-L.C., Asansol.

**REFERENCE CASE NO. 33 OF 2019**

**PARTIES:** Niren Chandra Das  
**Vs.**  
Management of Central Kajora Colliery of ECL

**REPRESENTATIVES:**

For the Union/Workman: Mr. Milan Kumar Bandyopadhyay, Adv.  
For the Management of ECL: Mr. Sayantan Mukherjee, Adv.

**INDUSTRY:** Coal  
**STATE:** West Bengal.  
**Dated:** 20.02.2024

**AWARD**

In exercise of powers conferred under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/75/2019-IR(CM-II)** dated 04.09.2019 has been pleased to refer the following dispute between the employer, that is the Management of Central Kajora Colliery under Kajora Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

**SCHEDULE**

*“Whether the action of the management of Central Kajora Colliery of Eastern Coalfields Ltd. by not regularizing Sri Niren Chandra Das, Surface Trammer as Fan Operator is justified or not. If not, what relief the workman is entitled to? ”*

1. On receiving Order **No. L-22012/75/2019-IR(CM-II)** dated 04.09.2019 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 33 of 2019** was registered on 18.09.2019 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and a list of witnesses.
2. Niren Chandra Das, aggrieved workman has appeared in person and filed an affidavit stating that he is not interested in proceeding further with this case and the same may be disposed of in the form of No Dispute. Mr. Milan Kumar Bandyopadhyay, learned advocate for the workman is present. Mr. Sayantan Mukherjee, learned advocate appeared for the Management of Central Kajora Colliery of Eastern Coalfields Limited by filing fresh Vokatnama. The case is fixed up today for filing additional written statement and evidence.
3. Both, the workman and Management filed their written statements on 28.11.2022. Workman witness was examined on 08.05.2023 and the management's witness was examined in part on 06.09.2023. At this stage the aggrieved workman filed an affidavit informing that he is not interested to proceed further with this case. Considered the submissions made by the advocates from both sides as well as by the workman. In view of such submission, I find no reason to proceed further. The Industrial Dispute is accordingly dismissed for non-prosecution. Let a No Dispute Award be drawn up.

Hence,

**ORDERED**

that a No Dispute Award be drawn up in respect of the above Reference case. Let copies of the Award in duplicate be sent to the Ministry of Labour and Employment, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 15 मई, 2024

**का.आ. 946.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधन के संबद्ध नियोजको और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, आसनसोल के पंचाट (सन्दर्भ संख्या 34/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04/04/2024 को प्राप्त हुआ था।

[सं. एल-22012/109/2004-आई.आर. (सी.एम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 15th May, 2024

**S.O. 946.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference. I.D. No. 34/2005**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.L.** and their workmen, received by the Central Government on **04/04/2024**.

[No. L-22012/109/2004- IR (CM-II)]

MANIKANDAN. N, Dy. Director

#### ANNEXURE

#### BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT, ASANSOL.

**PRESENT:** Shri Ananda Kumar Mukherjee,  
Presiding Officer,  
C.G.I.T-cum-L.C., Asansol.

#### REFERENCE CASE NO. 34 OF 2005

**PARTIES:** Arkhit Polai  
**Vs.**  
Management of Shankarpur Colliery of ECL

#### REPRESENTATIVES:

For the Union/Workman : Mr. Bipul Banerjee, Adv.  
For the Management of ECL : Mr. P. K. Das, Adv.

**INDUSTRY:** Coal.

**STATE:** West Bengal.

**Dated:** 22.02.2024

#### AWARD

In exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/109/2004-IR(CM-II)** dated 11.05.2005 has been pleased to refer the following dispute between the employer, that is the Management of Shankarpur Colliery under Bankola Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

#### SCHEDULE

*“Whether the action of the Management of Shankarpur Colliery under Bankola Area of M/s. Eastern Coalfields Limited in dismissing Sri Arkhit Polai, U.G.Trammer, U.M. No. 616717 from service vide order No. BA/PD/Dis/1374 dated 7/8.7.2003 is legal and justified? If not, to what relief the workman is entitled?”*

1. On receiving Order **No. L-22012/109/2004-IR(CM-II)** dated 11.05.2005 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 34 of 2005** was registered on 31.05.2005. and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and a list of witnesses.



2. Mr. S. K. Pandey, General Secretary of Koyala Mazdoor Congress filed written statement on behalf of the aggrieved workman on 18.07.2005. The management filed written statement on 02.02.2006. In brief, the fact of the case as disclosed in the written statement of the union is that Arkhit Polai was a permanent employee and posted as trammer at Shankarpur Colliery under Bankola Area of Eastern Coalfields Limited (hereinafter referred to as ECL). For his unauthorized absence from 04.06.2002 to 23.08.2002 a Charge Sheet bearing no. SKP/PNL/4/2002/83 dated 24.08.2002 was served upon him. The workman replied to the Charge Sheet and attended the Enquiry Proceeding held against him. A 2<sup>nd</sup> Charge Sheet was issued against the workman on 19.02.2003 but the same was not served upon him. The employer company without serving any Notice of enquiry held ex-parte Enquiry Proceeding against Arkhit Polai and dismissed him from service, violating the principles of natural justice. It is further urged that the punishment of dismissal is extreme and disproportionate to the nature of charge. It is prayed that the order of dismissal of Arkhit Polai from his service is illegal and the family of the ex-employee is facing starvation. It is prayed on behalf of the workman that the dismissed workman may be reinstated in service along with all back wages for the period of his dismissal along with consequential benefits.

3. The Management of ECL contested the case by filing written statement -cum- rejoinder, wherein it is stated that the workman was chargesheeted by the Management on 19.02.2003 under Clause 26.29 for his unauthorized absence from duty since 04.06.2002 and also for his habitual absence under Clause 26.23 of the Certified Standing Order applicable to the company. The Charge Sheet was sent to the workman at his home address but as he failed to submit any reply against the Charge Sheet the management held a Domestic Enquiry in respect of the charge. An Enquiry Officer was appointed by the appointing authority and Notice of enquiry was issued to the workman at his home address but he failed to attend ultimately the Enquiry Proceeding held ex-parte. The Enquiry Officer found the charged employee guilty of the charge of misconduct and submitted his Enquiry Report before the appointing authority. The Disciplinary Authority issued a 2<sup>nd</sup> Show Cause Notice to the workman at his home address by letter dated 11/16.06.2003 but he failed to submit any reply and the Disciplinary Authority was passed an order dismissing the workman from service vide letter dated 07/08.07.2003. It is urged that after consideration of Charge Sheet, Notice of enquiry, Enquiry Proceeding, Enquiry Report, and all other connected papers the management asserted that the workman never submitted any reply to the Charge Sheet nor did he attend the Enquiry Proceeding as claimed by him. It is further denied that the workman was not served with Charge Sheet or Notice of enquiry or that the management illegally held enquiry and dismissed the workman without giving any opportunity to defend himself during the Enquiry Proceeding. The management denied that the punishment imposed against the workman is disproportionate to the charge. It has been claimed that the action of the management in dismissing the workman is justified and the Enquiry Proceeding was held in fair manner.

4. Arkhit Polai filed affidavit-in-chief where he reiterated his statement made in his written statement. The workman witness was cross-examined on 06.01.2016. In his affidavit-in-chief, in paragraph – 3 the workman admitted that he could not attend his duty from 04.06.2002 to 23.08.2002 on account of unavoidable domestic problem. In his cross-examination the witness disclosed that he is aware about the contents of the affidavit-in-chief but went ahead to depose that he could not attend his duty due to his father's illness. The witness started that he replied to the Charge Sheet and also attended the enquiry but no such document has been produced. The witness admitted that he did not have any proof in support of his statement. He replied in cross-examination that he was given opportunity by the management in the Enquiry Proceeding. On traversing the evidence of workman witness it appears that he has admitted his long absence from duty but failed to justify his action and no document could be produced by him that he had replied to the Charge Sheet or had cited any reason for his absence from duty during the period in question.

5. Mr. Mahesh Chand Meena, Senior Officer (Personnel) at Shankarpur Colliery of ECL was examined as Management Witness -1. He stated that the workman was a habitual absentee and was absent from 04.06.2002 without any authorization. A charge under Clause 26.23 and 26.29 of the Certified Standing Order applicable to the company was framed against the workman and Charge Sheet was sent to the ex-workman by registered post and the same was displayed on the Notice Board of the colliery. In his evidence-in-chief the management witness stated that workman remained absent from duty from 04.06.2002 till issuance of Charge Sheet on 19.02.2003, a photocopy of the Charge Sheet was produced as Exhibit M-1. Notice of enquiry was sent to the workman at his native place, District – Ganjam (Odisha) but the same returned unserved. Witness further deposed that subsequently Notice of enquiry was issued to the workman on 26.03.2003, which was sent to the workman under registered post. Photocopy of the three Notices of enquiry have been produced as Exhibit M-2, M-3, and M-4. The testimony of Management Witness -1 reveals that Mr. L. N. Dutta, Senior Officer (Personnel) of Shankarpur Colliery was appointed as the Enquiry Officer and photocopy the letter issued by the Agent to the Enquiry Officer has been produced as Exhibit M-5. Photocopy of Enquiry Proceeding in eight pages have been collectively marked as Exhibit M-6. The witness deposed that he workman did not participate in the Enquiry Proceeding. A photocopy of the 2<sup>nd</sup> Show Cause Notice issued in the name of Arkhit Polai bearing his home address has been produced as Exhibit M-7. A photocopy of the letter of termination of service dated 07/08.07.2003 issued by the General Manager of Bankola Area has been produced as Exhibit M-8.

6. On 10.04.2023 none appeared for the workman to cross-examine the witness and no step was taken on his behalf. The witness was discharged without examination and the case was fixed up for hearing of argument on 04.07.2023 and 05.09.2023. No step was taken on behalf of the union for cross-examination of the management witness.

7. Mr. Bipul Banerjee, learned advocate for the workman argued that the Domestic Enquiry has been conducted in violation of natural justice without providing any opportunity to the workman to defend his case. It is submitted that neither copy of Charge Sheet nor copy of Notice of enquiry was issued to the workman and the punishment passed is disproportionate to the charge imposed by way of dismissing him from service. learned advocate argued that the order of dismissal is required to be set aside and an order may be passed for payment of back wages to the workman as he has attained the age of superannuation from service on 30.06.2015.

8. Mr. P. K. Das, learned advocate for the Management of ECL argued that the dismissal of the workman by order dated 07/08.07.2003 is with reference to the Charge Sheet dated 19.02.2003 which was addressed to the workman at his native place at District-Ganjam (Odisha) under registered post with A/D. The charge laid therein was of habitual absence under Clause 26.23 and also for his unauthorized absence from duty from 04.06.2002 beyond ten days under Clause 26.29 of the Certified Standing Order. Learned advocate drew my attention to the photocopy of the envelope addressed to Arkhit Polai at his native place: Vill and PO - Athagorapalli, Dist- Ganjam (Odisha). The registration number and date appearing on the photocopy of envelope is 4366 and 26.02.2003. It appears from the face of the document that the addressee was found absent.

9. Learned advocate submitted that the envelope bears the number of Charge Sheet as well as its date of issuance. Therefore, the management provided opportunity to the workman to know the charge levelled against him and reply the same. The workman was not found present at his workplace as well as at his native place and since no reply was submitted Enquiry Proceeding was initiated by issuance of Notice of enquiry. Learned advocate referred to the Notice of enquiry (Ext. M-2) bearing No. SKP/PNL/4/03/17 dated 13.03.2003 and the photocopy of the envelope in which the Notice was sent at his native place at Ganjam (Odisha), having registration no. 309 date 20.03.2003. learned advocate submitted that endorsement made on the envelope showed that the workman was always absent and it was returned to the Manager of Shankarpur. It is submitted that a fair Enquiry Proceeding was held, ex-parte against the workman and he was found guilty of charge. Photocopy of the Enquiry Report has been produced as Exhibit M-6 and 2<sup>nd</sup> Show Cause Notice as Exhibit M-7. Learned advocate submitted that the workman did not respond to the 2<sup>nd</sup> Show Cause Notice and the General Manager issued the letter of Termination of service dated 07/08.07.2003 (Exhibit M-8) whereby the concerned workman has been terminated from service. Learned advocate for the management argued that the Domestic Enquiry Proceeding was held observing all formalities and after serving several Notice under registered post and displaying the same at the office of the Management. It is argued that the order of termination is appropriate and consistent to the charge and the workman is not entitled to any relief.

10. I have considered the Industrial Dispute raised by the union regarding unlawful dismissal of Arkhit Polai. I have also considered the pleadings of the parties, evidence adduced and arguments advanced in support of the respective pleadings. The present proceeding arose on dismissal of the workman consequent to a Departmental Enquiry held over two charges levelled in Charge Sheet dated 19.02.2003 (Exhibit M-1). On a perusal of the same it is found that on earlier occasion the workman was chargesheeted for his absence from 04.06.2002 and Charge Sheet no. SKP/PNL/4/2002/83 dated 24.08.2002 had been issued and an enquiry was initiated in which the workman had participated and found guilty of the charge. It is further disclosed that the competent authority imposed a punishment of stoppage of 1 SPRA, even then he did not join his duty till issuance of Charge Sheet, as a result the Charge Sheet dated 19.02.2003 was issued for long unauthorized and habitual absence from duty. It is gathered from the record that the Notice of enquiry was sent to the workman at his permanent address at Vill and PO - Athagorapalli, Dist- Ganjam (Odisha). Photocopy of postal envelope which is lying with the record, bears testimony of the fact that the workman was found absent. A Notice of enquiry was issued to him under registered post bearing registration no. 309 dated 20.03.2003 but the workman was again found absent and an ex-parte Enquiry Proceeding was held. Mr. L. N. Dutta, Senior Officer (Personnel) of Shankarpur Colliery was appointed as the Enquiry Officer. A photocopy of the letter of appointment has been placed as Exhibit M-5. The Enquiry Officer on considering available materials and the evidence of management representative found the workman guilty of the charge of habitual and unauthorized absence. Copy of Enquiry Proceeding has been produced as Exhibit M-6. A 2<sup>nd</sup> Show Cause Notice was issued to the workman under registered post at his permanent address. Photocopy of the 2<sup>nd</sup> Show Cause Notice seeking reply of the workman against the Enquiry Proceeding has been produced as Exhibit M-7. On 08.07.2003 a letter of dismissal was issued by the appointing authority against the workman on the aforesaid charge. Despite a plea taken by the workman that the Enquiry Proceeding was unfair and in violation of principles of natural justice, I am of the considered view that fair, reasonable and ample opportunity was given to the workman to defend his case but he has fled from his place of work and home at his native place and never participated in the Enquiry Proceeding. The work of the management has suffered due to such unpredictable misconduct of the employee. The company has been affected due to long authorized absence. The workman had an opportunity to rectify himself and attend the work but his long unauthorized absence cannot justify his claim for setting aside the decision of the management. The management

cannot be expected to run from pillar to post to search out their absenting employees. Genuine effort had been made by the management to inform the charged employee about the charge framed against him as well as the date on which the Enquiry Proceeding would commence. Finding the addressee absent at his registered address is presumed to be good service on him. The concerned workman was already superannuated from service on 30.06.2015 and there is nothing on record to mitigate his misconduct.

11. In my considered view the findings of the Enquiry Officer appears to be fair and in accordance with the provision of the rule applicable to the workman. The letter of dismissal was issued after the issuance of 2<sup>nd</sup> Show Cause Notice. To my mind the punishment of dismissal of the workman from his service commensurates with the charge. In the light of my above discussion, I am of the view that the order of dismissal of Arkhit Polai from service does not suffer from any illegality and it calls for no interference.

Hence,

**ORDERED**

that the Industrial Dispute is dismissed on contest against the workman. An award be drawn up in light of my above findings. Let copies of the Award in duplicate be sent to the Ministry of Labour, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 16 मई, 2024

**का.आ. 947.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, हैदराबाद के पंचाट (पहचान संख्या 5/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17/05/2024 को प्राप्त हुआ था।

[सं. एल-20013/01/2024-आई.आर. (सी.एम- II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 16th May, 2024

**S.O. 947.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**ID. No. 5/2014**) of the **Central Government Industrial Tribunal-cum-Labour Court, HYDERABAD** as shown in the Annexure, in the industrial dispute between the Management of **S.C.C.Ltd** and their workmen, received by the Central Government on **17/05/2024**.

[No. L-20013/01/2024- IR (CM-II)]

MANIKANDAN. N, Dy. Director

**ANNEXURE**

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT, AT HYDERABAD.**

Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 10<sup>th</sup> day of April, 2024

**M.P. No. 5/2014**

Between:

Sri Varahagiri Sriranganayakulu,

S/o Gurunada Rao,

10-1, Kachivani Singaram Village,

Uppal, Ghatkesar Mandal, R.R. Dist. - 085.

..... Petitioner

AND

The Chairman and Managing Director,  
M/s. Singareni Collieries Company Ltd.,  
Maher Mangil,  
Singareni Bhavan, Khairatabad,  
Hyderabad – 500 004.

..... Respondent

Appearances:

For the Petitioner : Party in person  
For the Respondent : Sri V.S.V.S.R.K.S. Prasad, Advocate

### ORDER

The present miscellaneous petition under Sec.33 C(2) of the Industrial Disputes Act, 1947 has been filed by the Petitioner Sri Varahagiri Sriranganayakulu, with the claim that he was an employee of the Respondent Company and got voluntarily retired from the Company under Golden Handshake scheme under circular dated 9.2.2007 and he is entitled to receive from the Company, the benefits mentioned in the statement herein annexed.

2. The applicant in the Miscellaneous Petition averred that, he got retired from the services of the Respondent Company under Voluntary Retirement Scheme (Golden Handshake) w.e.f. 1.4.2007. But, as promised vide Clause No.1.7.4(a)(II) of the said Voluntary Retirement Scheme Respondent Company did not pay the amounts due to him. Management has calculated wrongly and so did not release the amounts for the period of June, 2009. When the Petitioner in his oral and written submissions informed to the Chairman and Managing Director of the Company that he was paid less in respect of the period mentioned in his application. Respondent was informed that clause 1.7.4(a)(II) had created ambiguity as a result of which he was paid less amount. But the payment made to Petitioner is not in conformity with the Voluntary Retirement Scheme. Further, applicant averred that he does not know how the period has been calculated and taken into consideration for payment of ex-gratia. Whereas the date of birth of the Petitioner has been taken as basis for the purpose of calculation of voluntary retirement ex-gratia. Since it was not mentioned in the circular dated 9.2.2007 as to the necessity of Date of birth and promised to pay exgratia upto his normal date of retirement as per the main clause 1.7.4(a)(II). Therefore, Petitioner has prayed that he is entitled to receive Voluntary Retirement Scheme, ex-gratia as per the statement determining the dues of the Applicant as given at the foot of the petition which are detailed as below:

Total amount to be paid:	Rs.	ps.
V.R.S. Ex-gratia payable for June, 2009	20,684	=56
Difference of 103 days balance Lwp	11,110	=90
Difference of 11 musters in March 2007	1,243	=99
Difference of V.R.exgratia payable @ March, 2007	10,906	=11
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Total:	43,945	=56
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3. Respondent in his counter against the petition has contended that all allegations in the claim petition are hereby denied except that those which are admitted specifically herein. Further, it is contended that the present petition has been filed by the Petitioner who retired voluntarily under Voluntary Retirement Scheme (Golden Handshake) with effect from 01.04.2007 seeking payment of certain amounts alleged to be paid to him for the month of June 2009. Petitioner was retired under Voluntary Retirement Scheme (Golden Handshake) introduced by the Respondent with effect from 01.04.2007 and the Petitioner has chosen to file the present petition on 31.01.2014 i.e., after a lapse of about 6 years. Hence the petition is barred by delay and laches on which ground alone it is liable to be dismissed. Further, it is contended that it is true that the Petitioner had opted for voluntary retirement from services of the Respondent Company with effect from 01.04.2007 under Voluntary Retirement Scheme (Golden Handshake). Petitioner was appointed in the Company on 18.08.1975 and his date of birth is 09.06.1949 as per records. Petitioner had submitted application dated 28.02.2007 for acceptance of voluntary retirement under Voluntary Retirement

Scheme (Golden Hand Shake) which was introduced in the Respondent Company and circulated vide letter No.CRP/PER/IR/V/621/205, dated 9.2.2007. Consequent upon acceptance of the request of the Petitioner for voluntary retirement under Voluntary Retirement Scheme (Golden Handshake), his name was removed from the rolls of Respondent Company with effect from 01.04.2007 vide letter No.BPA/EXP/A-3/3/2546, dated 31.03.2007. Further, it is submitted that circular bearing No. CRP/PER/IRV/621/205, dated 09.02.2007 was issued to by the Company to the effect of Voluntary Retirement Scheme (Golden Handshake) by the Director (PA&W) and the same was displayed on notice boards at all the Coal Producing Units and Departments of Bellampalli Area of the Respondent Company. The circular contained various salient features of the scheme for accepting retirement under Voluntary Retirement Scheme (Golden Handshake). Important salient features of the circular is hereby extracted below:-

**Clause 1.3 Eligibility :** An employee who has completed 10 years of service or completed 40 years of age (as on 01.03.2007) may seek voluntary retirement, by written application.

**Clause 1.7.4.(a) :** An employee whose request for voluntary retirement is accepted would also be entitled to an ex-gratia payment on the following guidelines;

**Clause 1.7.4.a.(i) :** Exgratia payment equivalent to one and half month's wages (Basic, VDA & SDA) for each completed year of service

OR

**Clause 1.7.4.a(ii) :** Monthly wages at the time of retirement multiplied by the balance number of months of service left before normal date of retirement, whichever is less.

**Clause 1.7.4.(b) :** Example : An employee who has put in 24 years of service and has got two years two months of service left for normal retirement will get ex-gratia payment of 26 months wages and not 36 months wages.

**Clause 2:** The scheme shall come into force w.e.f. 09.02.2007 and it will be in operation upto 28.02.2007.

#### **Clause 5: GENERAL**

- 5.1 The sanctioned post of the retiring employee under the Scheme should be struck off /abolished.
- 5.2 For computation of service for the purpose of calculating the ex-gratia amount, 6 months and above will be treated as a year and service less than 6 months will be ignored.
- 5.3 While computing the balance number of months of service left before normal date of retirement for the purpose of calculating the ex-gratia amount, 15 days and above will be treated as a month and service less than 15 days is to be ignored.
- 5.4 The wages of employees applying for Voluntary Retirement Scheme (Golden Hand Shake) during the period from 09.02.2007 to 28.02.2007 may be taken on the basis of February, 2007 wages for the purpose of computation of ex-gratia irrespective of the date from which voluntary retirement is accepted.

Further, Respondent contended that Petitioner had applied for retirement under Voluntary Retirement Scheme (Golden Handshake) in accordance with the Circular No.CRP/PER/IR/V/621/205, dtd.09.02.2007 vide his application dated 28.02.2007. His retirement from Respondent Company services was accepted only on submission of application in accordance with Circular No. CRP/PER/IR/V/621/205, dated 09.02.2007. The Petitioner was working as Deputy Superintendent and fully aware of the contents of the circular and after understanding the provisions of the circular, the Petitioner had submitted application for his retirement under Voluntary Retirement scheme (Golden Handshake). There had been sufficient time of one month from the date of submission of his application to the date of acceptance of his voluntary retirement. The Petitioner was part and parcel of the ministerial staff (clerical staff) and he had been working in the office where the applications from the workmen have been received under Voluntary Retirement Schemes. Though the Petitioner was fully aware of the contents of the circular and had plenty of time on hand, he did not object the same nor withdrawn his application for voluntary retirement owing to reasons only best known to him. A few representations were made on some occasions verbally and in writing and the same were clarified appropriately from time to time and he was welcomed to the office for any further clarifications. Instead, the Petitioner had been raising queries over the contents of the circular, which are devoid in nature and hence denied. However, it is denied that the Petitioner's request for retirement under Voluntary Retirement Scheme (Golden Handshake) was accepted as promised vide Clause No.1.7.4(a)II only. The Petitioner conveniently did not quote other relevant parameters of the circular, practice and procedures that has been followed in General Administration for smooth functioning of organization as well as to maintain Industrial Relations. It is contended that payment of ex-gratia was appropriately calculated in respect of Petitioner by strictly following the conditions stipulated in the Circular, other ethical practices and existing procedures of the organization. The calculation part of the ex-gratia of the Petitioner has been given in counter being extracted as under: -

Date of birth of the Petitioner : 9.6.1949  
 The date of appointment of the Petitioner : 18.8.1975  
 Date of retirement under VRS(GHS) : 1.4.2007  
 Last date of working in the company : 31.3.2007  
 Normal date of retirement had he been  
 Continued his services in the organization  
 Total service rendered in the company : 31 years 07 months & 14 days  
 Left over service after acceptance of his retirement under  
 VRS(GHS):

- i) from 01.04.2007 to 31.03.2009 = 24 months(i.e, 2 years)  
 ii) from 01.04.2009 to 31.05.2009 = 02 months  
 iii) from 01.06.2009 to 08.06.2009 = 08 days  
 iv) Total reckonable left over service = 26 months only for calculation of ex-gratia  
 as per Clause 5.3 of the Circular.

> Basic pay in February, 2007 : Rs. 12,524/-  
 > Basic wages comprising Basic : Rs. 16,443-39

Pay+SDA+VDA)

(Basic pay is Rs.12,524/- + SDA @ 1.795 % on basic pay is Rs.224.81 + VDA @ of Rs.29.5% on basic pay Rs.3694-58 = Rs.16,443-39)

Ex.Gratia payable to the Petitioner: Rs.16,443-39/-x26 months = Rs.4,27,528-14ps.

It is submitted that the allegation of the Petitioner that the ex-gratia amount for the month of June 2009 is not made is not tenable as per clause 5.3 of the circular. As per clause No.5.3 (given under Main Clause 5 - General) elaborate clarification has been given in the Voluntary Retirement (Golden Handshake) circular with regard to reckoning period related to left over service and the same is re-produced hereunder:

*"5.3: While computing the balance number of months of service left before normal date of retirement for the purpose of calculating the ex gratia amount, 15 days and above will be treated as a month and service less than 15 days is to be ignored."*

Thus, under the Condition 5.3, it is made clear that in case the period is less than 15 days the same is to be ignored. For example, if any employee who opts for Voluntary Retirement and whose date of birth is in between 1" to 14" the total number of days would be less than 15 days and the same would be ignored for making it a whole month. It is clear that the normal date of retirement would depend upon actual date of birth in the cases of Voluntary Retirement Scheme (Golden Handshake). If any employee's date of birth is between the dates from 1" to 14" it has to be ignored from making it to a whole month for calculation of ex-gratia amount. As such, the reckoning period for calculation of ex-gratia amount in respect of the Petitioner is only 26 months, but not 27 months as claimed by the Petitioner as the same is arrived basing on his date of birth, which is 09.06.1949 (the days counted in June, 2009 are below 15 days i.e., only 8 days hence to be ignored). Further, it is submitted that as per the Standing Orders the employees age of superannuation/retirement shall be 60 years. This clause is applicable in respect of employees who serve in the company till they attain the age 60 years. As a matter of fact, the employees shall have to retire from company services on the same date of the same month in the year when they attain the age of 60 years. Whereas, in respect of superannuation cases whose date of birth falls in between 2 day of the month to ending date of the month, such employee will retire after duty hours of ending date in the same month of the same year of retirement. The Respondent Company has adopted and implementing the above practice through out the company for administrative reasons and to maintain Industrial Relations. This procedure is in vogue in respect of employees retiring in normal course (i.e., serving the organization till they attain 60 years of age), but not in the other cases such as Voluntary retirement, resignation etc. Further, Respondent contended that no such guidelines are hitherto issued in this regard in respect of Voluntary Retirement Schemes on earlier occasions also. It is submitted that in the present matter date of birth of the Petitioner is 09.06.1949 and he will attain the age of 60 years by 08.06.2009. As such, his date of retirement would be 09.06.2009. The Petitioner's claim for computing ex-gratia for June, 2009 cannot be considered as the Petitioner had retired prior to his normal date of retirement (i.e, before completion of 60 years of age) by opting voluntary retirement under Voluntary Retirement Scheme (Golden Handshake). It is submitted that it is true that the Petitioner had made representations verbally and in writing also under various stages including under the provisions



of RTI Act with regard to payment of ex-gratia. Immediately on receiving the representations the Petitioner was clarified over the issues raised by him from time to time. It is also pertinent to mention here that the Petitioner was paid Rs.8,408-29 on 01-10-2013 (i.e., after his retirement) towards less payments of CMPF, FPS, Sick leave payment for 3 days and Quarter Bonus for 3 days leave, which clearly denotes that the Respondent Company is not having any negative attitude and had never with held any amounts payable to its retired employees. It is submitted that the Petitioner had worked as ministerial staff (clerical cadre) in the Respondent Company. He had full awareness regarding the implementation of circulars. The Respondent Company is not having any ambiguity in making payment of Ex-gratia to the retired employees under the Voluntary Retirement Schemes. At no time either verbally or in writing the wording of "ambiguity" was used by the respondent in giving reply to the Petitioner as appropriate amount was paid to him towards ex-gratia on accepting his retirement under Voluntary Retirement Scheme. It is submitted that without considering the date of birth it is very difficult to arrive at the age of an employees for accepting the eligibility for VRS (GHS). Further, the date of birth is an essence in arriving the normal date of retirement of any employee. As per Standing Order Sl.No.33, any employee will retire on attaining age of 60 years. When employee's date of birth falls in middle of the calendar month, they will be continued till the end of the month for administrative reasons. When the date of superannuation depends on their date of birth it is untenable to allege that the date of birth of the Petitioner has no relevance in voluntary retirement scheme. The Petitioner has stated the example of clause 1.7.4.(a)(II), but forgotten the clause 1.7.4.(b) which is lying just below the clause 1.7.4.(a)(II) and so also clause 5.3 of Circular which denotes that if at all the days in a month are less than 15 days the same has to be ignored. Hence the allegation that Date of birth for calculations of ex-gratia doesn't required is not tenable, as the VRS optees are retiring from their services on submission of applications for VRS after accepting the conditions laid down in the circulars before their normal date of retirement in response to the acceptance of conditions and procedures and practices enumerated in the circulars issued from time to time on the Voluntary Retirement Scheme. Accordingly, the normal date of retirement reckonable in respect of the Petitioner is 08.06.2007 based on his date of birth, ie, 09.06.1949 as per the conditions laid down in Sl.No.33 of approved Standing Orders as well as under Clause 5.3 of the Voluntary Retirement Scheme (Golden Handshake) circular. Respondent contended that dues as claimed by the Petitioner are not payable under the scheme due to following reasons:-

a) That the guidelines laid down under SL.No.5.3 of the Circular No,CRP/PER/IR/VI621/205, dtd.09.02.2007 shall clarify for these allegations. Number of days between 1 June 2009 to 8<sup>th</sup> June 2009 is only 08 days and as it is less than 15 days, as the said period, is to be ignored and hence the part period in June 2009 is not taken into consideration for calculation of ex-gratia.

b) That the difference of V.R.S ex.gratia @ of March, 2007 to the tune of Rs.10,906-11 is also not admissible as it has been clarified under Clause 5.8 of the circular that employees applying for Voluntary Retirement Scheme (Golden Hand Shake) during the period from 09.02.2007 to 28.02.2007 on the basis of the wages of February, 2007 shall be taken for the purpose of computation of ex-gratia.

c) That the recovery effected under recovery code No.2243 to the tune of Rs.125.24 pertains to electrical charges. The employees who are living in the quarters provided by the Respondent Company are liable for recovery of electrical charges from their wages to the tune of 1% of their basic pay. The Petitioner who Rs.20,684-00 is not admissible as the period is less than 15 days purpose of computation of ex-gratia. was allotted Qtr.No.C2-6 at GM's office colony at Bellampalli Township and the same was vacated by him on 04-09-2007. The company's accommodation provided to the Petitioner was retained under his possession for over 5 months after his retirement. Since the pay sheet was run in April, 2007 for payment of back wages to the Petitioner, the electrical charges were also appropriately recovered. Actually this recovery was ignored for the months of May, June, July and August, 2007, which may please be noted. Hence the said amount cannot be refunded.

d) That the recovery of Rs.10/- on recovery code 2413 pertains to temple maintenance fund offered by every employee. This type of recoveries is made on obtaining undertaking from the employees based on their religions. The refund of this amount is left to his willingness as the same was recovered from him as the paysheet was run in April, 2007 for payment of back wages.

e) That the recovery of FBIS (Family Benefit Cum Insurance Scheme) to the tune of Rs. 10/- was made in April, 2007 was refunded to him along with the refund claim of FBIS.

f) That the difference amount towards 103 days balance LWP appropriately paid to the Petitioner in the National Coal Wage Board-VIII arrears paid to him along with all other employees of Respondent Company Limited in the month of October, 2010.

The calculation details and other details give by the Respondent is extracted as under:-

As per NCWA-VIII scales (old pay scales)	As per NCWA-VIII scales (New pay scales)	Difference Amount already paid
a) Basic Rs.12\$24/ b) Per day Rs.404/	a) Basic Rs.19065/ b) Per day Rs.635-50	3127-43

c) Basic for 103 days Rs.41612/ d) SDA @ 1.795% Rs.746-94 e) DA @ Rs.32.3% Rs. 13440.67 f) CMPF contribution amount included in the calculation Rs.12090/ g) Gross payable Rs.67,889-61	c) Basic for 103 days Rs.65456-50/ d) SDA @ 1.7959% Rs.1174-94 e) DA @ Rs.6.7 Rs.4385-59 f) Gross payable Rs.71017-03	
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Note :1) It may please be noted that though there is hike in basic pay the rate of D.A. has come down from 32.3% to 6.7% hence there is no much difference of amount payable to him. The difference towards this aspect was paid in NCWA VIII arrears

2) The provident fund contribution of Rs.6045/- was refunded to the Petitioner.

3) The difference amount pertaining to 103 LWP wages consequent upon revision of payscales on implementation of NCWA.VIII was paid in arrears.

The payslip supposed to be issued to employees as a practice in the Respondent Company was also issued for his information. He had discharged his duties in the Respondent Company in the clerical cadre and he is well aware of the facts and procedures adopted in the Respondent Company. Hence, the payment towards difference of 103 balance leave wages is already paid and no amount on this count is due to the Petitioner.

g) Further, Respondent has contended that the actual 11 days advance musters recoverable from the Petitioner is worked to be Rs.8220.44 as per NCWA-VII pay scales. Whereas an amount of Rs.7,773-00 only was recovered from him. Still an amount of Rs.447.44ps is yet to be recovered from the Petitioner. Hence he is not entitled for refund of this amount.

h) The detailed calculations part are as follows:

a) Amount recoverable towards 11 days advance musters as per NCWA.VII (Old wages) area as follows:

(Basic Rs.4444-00+SDA Rs. 79.77+DA Rs.1435-41+ CMPF Rs.715-00-Rs.6674-18)

b) Actual amount to be recovered for 11 days advance musters as per revised NCWA.VII (New wages) are as follows:

(Basic Rs.6765-00+SDA Rs. 121-43+DA Rs.453-25+CMPF Rs.880-76-Rs.8220-44)

Therefore, Respondent in view of the above has prayed to dismiss the claim petition as devoid of merits.

4. Heard arguments of the Learned Counsels for both the parties. Perused the record.

5. Indisputable facts in the matter at hand are that the Petitioner was employee of the Respondent Company and the Respondent Company M/s. Singareni Collieries Company Ltd., vide circular dated 9.2.2007 introduced Voluntary Retirement Scheme (Golden Handshake) in the Respondent Company and Petitioner applied for Voluntary Retirement Scheme under the said scheme and his application for V.R.S. under Scheme was accepted vide letter dated 15/20.3.2007, w.e.f 1.4.2007. Petitioner claims that he got retired from the service of the Respondent Company in Voluntary Retirement Scheme w.e.f. 1.4.2007, as promised vide clause No.1.7.4(a)(II), but the Company did not pay the amount to him as per the scheme. Petitioner submits that the criteria of date of birth of the applicant has been made the basis for the purpose of calculating voluntary retirement ex-gratia amount but it was not mentioned in the circular dated 9.2.2007 as to the necessity of date of birth to calculate and pay ex-gratia amount upto his normal date of retirement as per the main clause 1.7.4(a)(II). Hence, Petitioner has claimed the difference of ex-gratia amount as mentioned in his petition, under Voluntary Retirement Scheme(Golden Hand Shake).

6. On the other hand, Respondent has contended that the eligibility criteria for voluntary retirement ex-gratia norms has been given in the circular No.CRP/PER/IR/V/621/205 dated 9.2.2007 which provides that employees who have completed 10 years of service or completed 40 years of age (as on 1.3.2007) may seek voluntary retirement, by written application. Respondent contended that without considering the date of birth for accepting the eligibility of Voluntary Retirement Scheme, it is very difficult to arrive at age of the employee. The date of birth of an employee is an essence in arriving the normal date of retirement of any employee. Further, Respondent contended that as per Standing Orders Sl.No.33, any employee will retire on attaining age of 60 years. When employee's date of birth falls in middle of the calendar month, they will be continued till the end of the month for administrative reasons. When the date of superannuation depends on their date of birth it is untenable to allege that the date of birth of the Petitioner has no relevance in Voluntary Retirement Scheme. Under the provision of Clause 1.7.4(a)(II), of the



Voluntary Retirement Scheme and also clause 5.3 of Circular denotes that if at all the days in a month are less than 15 days the same has to be ignored. Hence, the allegation of the Petitioner that date of birth for calculation of ex-gratia doesn't require is not tenable. V.R.S. optees were retiring from their services on submission of applications for V.R.S. and after accepting the conditions laid down in the circular they retire before their normal date of retirement in response to the acceptance of conditions and procedures and practices enumerated in the circulars issued from time to time on the Voluntary Retirement Scheme. Therefore, Respondent prayed to dismiss the claim petition as devoid of merits.

7. The perusal of the record would reveal that the normal date of retirement reckonable in respect of the Petitioner is 8.6.2007 based on his date of birth, i.e., 9.6.1949 as per the conditions laid down in Sl.No.33 of approved Standing Orders as well as under Clause 5.3 of the Voluntary Retirement Scheme (Golden Handshake) circular. The allegation of the Petitioner that less ex-gratia amount has been paid to him and his date of birth has nothing to do with the determination of the ex-gratia amount is untenable. The Voluntary Retirement Scheme (Golden Handshake) circular dated 9.2.2007 was issued by the M/s. Singareni Collieries Company Ltd., regarding introduction of Voluntary Retirement Scheme (Golden Handshake) in S.C.C.L., for its employees. Relevant provision contained in said circular are extracted below:-

**1.7.4.a)(ii) Monetary Terminal Payment (Ex. Gratia): In addition, an employee whose request for voluntary retirement is accepted would also be entitled to an ex.gratia payment on the following guidelines:**

**1.7.4.a(i) Ex. Gratia payment equivalent to one and half month's wages (Basic, VDA & SDA for each completed year of service**

**1.7.4(a)(ii), "Monthly wages at the time of retirement multiplied by the balance number of months of service left before normal date of retirement, whichever is less.**

**1.7.4..b) Example: An employee who has put in 24 years of service and has got two years two months of service left for normal retirement will get ex gratia payment for 26 months wages and not 36 months wages.**

Further, under Clauses 'General', the provision contained under sub-clause, 5.3 and 5.4 are extracted below:-

**5.3: While computing the balance number of months of service left before normal date of retirement for the purpose of calculating the exgratia amount, 15 days and above will be treated as a month and service less than 15 days is to be ignored.**

**5.4: An employee should submit his application seeking voluntary retirement one month in advance. As he is opting for voluntary retirement, he is not eligible for any Notice Pay.**

7. Indisputably, Petitioner had applied for Voluntary Retirement under the Scheme(GHS) issued by Company vide circular dated 9.2.2007. As he has moved application for V.R.S. as per circular dated 9.2.2007. It is presumed that he has gone through all the terms and conditions contained therein and he has agreed and consented it. Now, he is bound by the terms and conditions contained in circular dated 9.2.2007 for the VRS. His ex.gratia payment has been determined taking into consideration his date of birth as per the provision contained in the Clause 5.3 of the scheme. Therefore, the plea of the Petitioner that the Date of birth can not be made basis for purpose of calculating ex.gratia Voluntary Retirement Scheme, is not acceptable, because provision contained in clause 5.3 and 5.4 is very much part and parcel of the Golden Handshake scheme. As the Petitioner has applied for voluntary retirement under the Voluntary Retirement Scheme (GHS) vide circular dated 9.2.2007 voluntarily, hence, he is bound by the terms and conditions contained in circular dated 9.2.2007. Respondent Company in view of his eligibility under the VRS scheme, has accepted his application and made the payment of ex-gratia amount as per the rules and guidelines contained in circular dated 9.2.2007. However, Petitioner has examined himself as WW1 and in cross examination WW1 states, "I have gone through the circular dt.9.2.2007 before applying for VRS. A letter was sent to me accepting my VRS application. No, I have not sent any letter to the Management for clarification of the circular 15/20.3.2007 my VRS was accepted. My VRS application was filed on 22.2.2007. No condition was mentioned in the Voluntary Retirement Scheme acceptance letter. I have seen Point No.1.7.4.a), and there was an explanation in Point No.1.7.4.b). The witness adds that explanation is irrelevant. I have seen clause No.5.2, 5.3 and 5.8 of the circular. The witness adds, the above 5.3 and 5.8 are vague and irrelevant to the main clause. I have not given any letter to the Management regarding the vagueness of the above stated clauses before my voluntary retirement. I was retired in the year 2007 and I have filed this MP in the year 2014. I have not given any explanation in my MP application about the delay of 7 years in filing this MP." Thus, the Petitioner witness WW1 has admitted that before applying for Voluntary Retirement under the Scheme, he has gone through the provisions of circular dated 9.2.2007 and thereafter he has applied for Voluntary Retirement. Thus, he was aware of the terms and conditions contained in the scheme. Now, at this stage he can not be permitted to challenge the terms and conditions of VRS Scheme as mentioned in the circular dated 9.2.2007 and for the necessity of date of birth for ex-gratia, Petitioner's application for Voluntary Retirement under the scheme has been accepted vide letter dated 15/20.3.2007. Now, he is not permitted to challenge the provision contained in Clause 5.3 and 5.8 of scheme stating that these are vague. However, he never took a pain earlier before applying for VRS to enquire about the terms of Voluntary Retirement

Scheme from Respondent Management. Now, he is too late to allege ambiguity of these clauses of the scheme. However, in his cross examination WW1 has stated that Eex.M1 is the acceptance letter dated 15/20.3.2007 of his VRS. He received the Ex.M1 on 31.3.2007. He had not given any objection to the Respondent after receipt of Ex.M1. Thus, at the stage of accepting Ex.M1 dated 15/20.3.2007 he had not raised any objection against the terms and conditions of VRS and after an inordinate delay of about 7 years he has filed this petition, challenging the terms and conditions of VRS scheme and Ex-gratia amount determined thereunder. Such plea of Petitioner is also not acceptable due to delay and latches.

8. On the other hand Respondent has examined witness MWI who has deposed in his testimony that the payment of ex-gratia has been calculated by following the conditions laid down in the circular dated 9.2.2007. Further, MWI stated that the VRS Ex.gratia payments for June 2009 to the tune of Rs. 20,684-00 is not admissible as the period is less than 15 days in the month of June, 2009. The guidelines laid down under SI No5.3 of the circular No. CRPPER/IRN621/205, dated 9-2-2007 shall clarify for these allegations. The count between 1<sup>st</sup> June 2009 to 8<sup>th</sup> June, 2009 is only 8 days and it is less than 15 days, hence the part period in June 2009 is not taken into consideration for calculation of ex-gratia. The difference of V R ex-gratia (@ of March, 2007 to the tune of Rs. 10,906-11 is also not admissible as it has been clarified under clause 508 of the circular that employees applying for Voluntary Retirement Scheme (Golden Hand Shake) during the period from 9-2-2007 to 28-2-2007 the basic of wage of February, 2007 wages shall be taken for the purpose of computation of ex-gratia. This witness was cross examined by petitioner counsel but nothing has been elicited to discredit testimony of MWI and no contradiction found in the statement of MWI. Statement of MWI has also been fortified by the documents exhibits Ex. MI to MI6. Thus the plea of the petitioner that he has not been paid ex-gratia amount according to terms and conditions contained in circular dated 9-2-2007, is untenable.

In this context I would like to make a reference of the **decision of the Hon'ble Supreme Court of India in the case of Hec.Voluntary Retd. Emps. Welfare Soc. & another vs. Heavy Engineering Corporation Ltd., & others AIR SCC 1420 wherein Hon'ble Apex Court have held:-**

*"An offer for voluntary retirement in terms of a scheme, when accepted, leads to a concluded contract between the employer and the employee. In terms of such a scheme, an employee has an option either to accept or not to opt therefor. The scheme is purely voluntary, in terms whereof the tenure of service is curtailed which is permissible in law. Such a scheme is ordinarily floated with a purpose of downsizing the employees. It is beneficial both to the employees as well as to the employer. Such a scheme is issued for effective functioning of the industrial undertakings. Although the Company is a "State" within the meaning of Article 12 of the Constitution of India, the terms and conditions of service would be governed by the contract of employment. Thus, unless the terms and conditions of such a contract are governed by a statute or statutory rules, the provisions of Contract Act would be applicable both at the formulation of the contract as also the determination thereof. By reason of such a scheme only an invitation of offer is floated. When pursuant to or in furtherance of such a voluntary retirement scheme an employee opts therefor, he makes an offer which upon acceptance by the employer gives rise to a contract. Thus, as the matter relating to voluntary retirement is not governed by any statute, the provisions of Indian Contract Act, 1872, therefore, would be applicable to."*

Further, the Hon'ble Apex Court in this case have held:-

*"It is not in dispute that the effect of such Voluntary Retirement Scheme is cessation of jural relationship between the employer and employee. Once an employee opts to retire voluntarily, in terms of the contract he cannot raise a claim for a higher salary unless by reason of a statute he becomes entitled thereto. He may also become entitled thereto even if a policy in that behalf is formulated by the Company."*

9. Thus, in view of the fore gone discussion and law laid down by the Hon'ble Apex Court, in the case of Heavy Engineering Corporation Limited (Supra), I find no force in the plea of Petitioner that ex-gratia amount has not been paid as per circular dated 9.2.2007. However, he can not be permitted to challenge the terms and conditions of VRS., contained in circular dated 9.2.2007, as the Petitioner before applying for Voluntary Retirement under the Scheme through all the terms and conditions of circular dated 9.2.2007. Further, he never raised any objection or approached to authority to make clear his doubt regarding scheme before moving his application under scheme and a acceptance of the same. Moreover, his VRS has been accepted long back and he has received the ex.gratia amount vide letter dated 15/20.3.2007, now, he is estopped to raise any objection against it. Petitioner's contention that there is no necessity of date of birth for calculating ex-gratia, and same is not tenable in view of the Law laid down by Hon'ble Apex Court since, it was not case of normal superannuation of employee.

Therefore, in view of the above discussion and law laid down by the Hon'ble Apex Court as discussed above, I am of the considered view that the petition filed by the Petitioner is devoid of merit and is liable to be dismissed, hence, petition stands dismissed.

Ordered accordingly.

Dictated to Personal Assistant, transcribed by her, corrected and pronounced by me on this the 10<sup>th</sup> day of April, 2024.

IRFAN QAMAR, Presiding Officer

**Appendix of evidence**

Witnesses examined for the

Witnesses examined for the

Petitioner:

Respondent:

WW1: Sri V. Sriranganayakulu

MW1: Sri Berugu Sudarshanam

**Documents marked for the Petitioner/Workman**

Ex.W1: Initial appointment order of WW1 dt. 12.8.1975

Ex.W2: Reply to RTI application of Petitioner by Respondent dt.28.9.2013

Ex.W3: Office copy of representation of Petitioner to the Respondent regarding excess recovery of 11 days musters, dt. 10.8.2007

Ex.W4: Office copy of representation of Petitioner to the Respondent dt. 22.10.2013.

Ex.W5: Photostat copy of VRS circular dt.9.2.2007 along with details payment in lieu of it to the Petitioner

**Documents marked for the Respondent**

Ex.M1: Photostat copy of acceptance letter for VRS of Petitioner dt.15/20.3.2007 by the Respondent.

Ex.M2: Photostat copy of employee persona record form dt. 1.3.97

Ex.M3: Photostat copy of circular of Voluntary Retirement Scheme dt. 9.2.2007

Ex.M4: Photostat copy of name removal letter in r/o Petitioner on acceptance of VRS 31.3.2007

Ex.M5: Photostat copy of Quarter vacation certificate issued to Petitioner dt. 4.9.2007

Ex.M6: Photostat copy of reply under RTI Act to the Petitioner dt.17.7.2010

Ex.M7: Photostat copy of reply under RTI Act to the Petitioner dt.4.3.2011

Ex.M8: Photostat copy of lr. furnishing information under RTI Act to the Petitioner dt.12.12.2012

Ex.M9: Photostat copy of lr. furnishing information under RTI Act to the Petitioner dt.28.9.2013

Ex.M10: Photostat copy of cheque and acknowledgement of the Petitioner dt.28.9.13

Ex.M11: Photostat copy of circular implementation of new standing orders by the Respondent Company dt. 6.8.94

नई दिल्ली, 16 मई, 2024

**का.आ. 948.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एयर इंडिया लिमिटेड के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, हैदराबाद के पंचाट (पहचान संख्या 121/2015)** को प्रकाशित करती है, जो केन्द्रीय सरकार को **07/05/2024** को प्राप्त हुआ था।

[सं. एल-11012/29/2015-आई.आर. (सी.एम-1)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 16th May, 2024

**S.O. 948.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**ID. No. 121/2015**) of the **Central Government Industrial Tribunal-cum-Labour Court, HYDERABAD** as shown in the Annexure, in the industrial dispute between the Management of **Air India Ltd** and their workmen, received by the Central Government on **07/05/2024**.

[No. L-11012/29/2015- IR (CM-I)]

MANIKANDAN. N, Dy. Director

**ANNEXURE****IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD**Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 27<sup>th</sup> day of March, 2024**INDUSTRIAL DISPUTE No. 121/2015**

Between:

Sri D. Mallesh,

S/o Yadaiah,

D.No.9-3-10/4/2,

Hashmathpet, Old Bowenpalli,

Secunderabad – 500 028.

.....Petitioner

AND

1. The CMD,  
Air India Ltd., Airlines House,  
113, Gurudwara Rakabganj Road,  
New Delhi- 110 001.
2. The Dy. General Manager (Pers)  
Air India Ltd., Engineering Complex,  
Begumpet,  
Hyderabad -500 016.
3. The Regional Director,  
Air India Ltd.,  
Chennai.

... Respondents

Appearances:

For the Petitioner : M/s. A. Nagendra Rao, S. Dev Raj & K.Naga Raju Rao, Advocates

For the Respondent : None

#### AWARD

The Government of India, Ministry of Labour by its order No.L-11012/29/2015-IR(CM-I) dated 2.11.2015 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of Air India Ltd., and their workman. The reference is,

#### SCHEDULE

“Whether the action of the Management of Air India Ltd., Hyderabad in not regularizing the services of Sri D. Malleth S/o Yadaiah in the post of Helper (Canteen) is justified? To what relief is the workman is entitled to?”

The reference is numbered in this Tribunal as I.D. No. 121/2015 and notices were issued to the parties concerned and Petitioner filed claim statement.

2. Respondent set ex-parte as no counter filed after giving several opportunities.

3. After filing claim statement Petitioner remained absent. Despite sufficient opportunity accorded to him, the Petitioner did not adduce any evidence to substantiate his claim. Perused the record. Since the Petitioner has not substantiated his claim by any evidence, therefore, a ‘no-claim’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 27<sup>th</sup> day of March, 2024.

IRFAN QAMAR, Presiding Officer

#### Appendix of evidence

Witnesses examined for the

Witnesses examined for the

Petitioner

Respondent

NIL

NIL

#### Documents marked for the Petitioner

NIL

#### Documents marked for the Respondent

NIL

नई दिल्ली, 16 मई, 2024

**का.आ. 949.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल के प्रबंधन के संबद्ध नियोजको और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय, हैदराबाद के पंचाट (पहचान संख्या 11/2020) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07/04/2024 को प्राप्त हुआ था।

[सं. एल-22012/10/2020-आई.आर. (सी.एम- II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 16th May, 2024

**S.O. 949.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**ID. No. 11/2020**) of the **Central Government Industrial Tribunal-cum-Labour Court, HYDERABAD** as shown in the Annexure, in the industrial dispute between the Management of **S.C.C.Ltd.** and their workmen, received by the Central Government on **07/04/2024**.

[No. L-22012/10/2020– IR (CM-II)]

MANIKANDAN. N, Dy. Director

**ANNEXURE**

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT  
HYDERABAD**

Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 20<sup>th</sup> day of February, 2024

**INDUSTRIAL DISPUTE No. 11/2020**

Between:

The Vice President(Shri Bandari Lingaiah)

Quarter No.39T, SCEU (CITU),

Somagudem SMG Corner Colony,

Bellampalli (Telengana) – 504 251.

.....Petitioner

AND

The General Manager,

M/s. Singareni Collieries Company Ltd.,

Bellampalli Area,

Mancherla District – 504208.

... Respondent

Appearances:

For the Petitioner : None

For the Respondent : Representative

**AWARD**

The Government of India, Ministry of Labour by its order No.L-22012/ 10/2020-IR(CM-II) dated 3.7.2020 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd., and their workman. The reference is,

**SCHEDULE**

“Whether the action of the Management of M/s. Singareni Collieries Company Ltd., in awarding the punishment of dismissal from the service on the grounds of absenteeism of Sri Maheboob Ali, Ex-General Mazdoor, is legal and justified? If not, what relief the workman is entitled to?”

The reference is numbered in this Tribunal as I.D. No. 11/2020 and notices were issued to the parties concerned.

2. Petitioner absent on the date fixed for filing of claim statement and documents. Notice sent to Petitioner returned unserved with endorsement, “No such person in this address, hence returned.” Previous notice returned with endorsement, “Addressee expired”. As notices are returned, case is dismissed for default and as such, a ‘No Claim’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant, corrected by me on this the 20<sup>th</sup> day of February, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the  
Petitioner  
NIL

Witnesses examined for the  
Respondent  
NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 16 मई, 2024

**का.आ. 950.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय, हैदराबाद** के पंचाट (पहचान संख्या 126/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07/05/2024 को प्राप्त हुआ था।

[सं. एल-22012/69/2015-आई.आर. (सी.एम- II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 16th May, 2024

**S.O. 950.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**ID. No. 126/2015**) of the **Central Government Industrial Tribunal-cum-Labour Court, HYDERABAD** as shown in the Annexure, in the industrial dispute between the Management of **S.C.C.Ltd.** and their workmen, received by the Central Government on **07/05/2024**.

[No. L-22012/69/2015– IR (CM-II)]

MANIKANDAN. N, Dy. Director

**ANNEXURE****IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD**

Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 18<sup>th</sup> day of March, 2024

**INDUSTRIAL DISPUTE No. 126/2015**

Between:

Sri B. Appa Rao,

Vice President,

Singareni Mines and Engg. Workers Union,

DA-1382, Panjabgadda, Amavaram-507118.

Kothagudem, Khammam Distt. Telengana.

.....Petitioner

AND

1. The Chairman cum Managing Director,  
Singareni Collieries Company Limited,  
Singareni Bhawan,  
Hyderabad -500 001.

2. The Director (PAW),  
Singareni Collieries Company Ltd.,  
Kothagudem – 507101.

3. The Dy. Chief Medical Officer,  
Singareni Collieries Company Ltd.,  
Kothagudem – 507101.

... Respondents

## Appearances:

For the Petitioner : M/s. K. Vasudeva Reddy, Advocates  
 For the Respondent : Sri Y. Ranjeeth Reddy, Advocate

**AWARD**

The Government of India, Ministry of Labour by its order No.L-22012/69/2015-IR(CM-II) dated 13.10.2015 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd., and their workman. The reference is,

**SCHEDULE**

“Whether the action of the Management of M/s. SCCL, in not promoting the Para Medical Staff and not implementing the Cadre Scheme in respect of Para Medical Staff and the action of the Management in denying promotion to Shri A. Venkateswar Rao, Lab. Technician, T & S Grade-C to Grade-B, working in the Main Hospital, Kothagudem is legal and justified? If not, the Para Medical Staff and the workman are entitled to what relief?”

The reference is numbered in this Tribunal as I.D. No. 126/2015 and notices were issued to the parties concerned and Petitioner filed claim statement.

2. After filing claim statement Petitioner remained absent. Record shows that the case is posted for Petitioner evidence since 12.12.2017. Despite providing sufficient opportunity, the claim of the Petitioner has not been substantiated by any evidence. Due to non-appearance of Petitioner and in absence of evidence, a ‘No-claim’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 18<sup>th</sup> day of March, 2024.

IRFAN QAMAR, Presiding Officer

## Appendix of evidence

Witnesses examined for the  
 Petitioner  
 NIL

Witnesses examined for the  
 Respondent  
 NIL

**Documents marked for the Petitioner**

NIL

**Documents marked for the Respondent**

NIL

नई दिल्ली, 16 मई, 2024

**का.आ. 951.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबद्ध नियोजको और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, हैदराबाद के पंचाट (पहचान संख्या 32/2021) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17/05/2024 को प्राप्त हुआ था।

[सं. एल-20013/01/2024-आई.आर. (सी.एम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 16th May, 2024

**S.O. 951.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (ID. No. 32/2021) of the **Central Government Industrial Tribunal-cum-Labour Court, HYDERABAD** as shown in the Annexure, in the industrial dispute between the Management of **Food Corporation of India**. and their workmen, received by the Central Government on 17/05/2024.

[No. L-20013/01/2024- IR (CM-II)]

MANIKANDAN. N, Dy. Director

**ANNEXURE****IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT  
HYDERABAD**Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 29<sup>th</sup> day of April, 2024**INDUSTRIAL DISPUTE No. 32/2021**

Between:

Smt. T. Krishnaveni,

H.No.5-8-421/1, Near Employment Office,

BTS, Nalgonda-508001.

.....Petitioner

AND

The Area Manager,

M/s Food Corporation of India Godown,

Pedabanda Road, Gollaguda Village,

Nalgonda-508001.

... Respondents

Appearances:

For the Petitioner : None

For the Respondent : Dr. T. Vijaya Bhaskara Reddy, Advocate

**AWARD**

The Government of India, Ministry of Labour by its order No.8/38/2019-B1, dated 27/4/2021 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s Food Corporation of India Godown, and their workmen. The reference is,

**SCHEDULE**

“Whether the action of the management of M/s Food Corporation of India, Nalgonda is justified in terminating the services of Smt. T. Krishnaveni, Ex-workman or not? If not to what relief Smt Krishnaveni is entitled to ?

The reference is numbered in this Tribunal as I.D No. 32/2021 and notices were issued to the parties concerned.

2. Petitioner absent on the date fixed for filing of claim statement and documents. Record reveals that notice served on Petitioner but none present on behalf of Petitioner. Therefore, in absence of any claim statement from the Petitioner, the case is dismissed and a ‘No Claim’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Shri Vinay Panghal, LDC corrected and signed by me on this the 29<sup>th</sup> day of April, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the

Witnesses examined for the

Petitioner

Respondent

NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL



नई दिल्ली, 16 मई, 2024

**का.आ. 952.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, हैदराबाद के पंचाट (पहचान संख्या 29/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17/05/2024 को प्राप्त हुआ था।

[सं. एल-22012/31/2011-आई.आर. (सी.एम- II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 16th May, 2024

**S.O. 952.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**ID. No. 29/2011**) of the **Central Government Industrial Tribunal-cum-Labour Court, HYDERABAD** as shown in the Annexure, in the industrial dispute between the Management of **S.C.C.Ltd.** and their workmen, received by the Central Government on **17/05/2024**.

[No. L-22012/31/2011- IR (CM-II)]

MANIKANDAN. N, Dy. Director

**ANNEXURE****IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD**Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 24<sup>th</sup> day of April , 2024**INDUSTRIAL DISPUTE No. 29/2011**

Between:

Shri G. Rama Rao,

Timberman rep. by Sri Syed Khasim Hussain,

H.No. 11-2-71, Sree Nagar Colony,

New Paloncha(PO)

Khammam Distt-507115.

.....Petitioner

AND

The Dy. General Manager,

P.K-1, Singareni Collieries Company Ltd.,

Manuguru (PO), Khammam District.

Khammam.

... Respondents

Appearances:

For the Petitioner : Sri M.V.L Narsaiah, Advocate

For the Respondent : Sri Y Ranjeeth Reddy, Advocate

**AWARD**

The Government of India, Ministry of Labour by its order No.L-22012/31/2011-(IR(CM-II) dated 04.07.2011 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s Singareni Collieries Company Ltd., and their workman. The reference is,

**SCHEDULE**

“Whether the action of the management of M/s Singareni Collieries Co. Ltd., Manuguru Division Khammam District (AP) in not considering the change of date of birth of Shri G. Rama Rao, Timberman,

PK-I Inc, on the basis of Study and Conduct Certificate issued by the Head Master of Sri Ramachandra High School, Kothagudem is justified? To what relief the concerned workman is entitled to?"

The reference is numbered in this Tribunal as I.D. No 29/2011 and notices were issued to the parties concerned.

2. Petitioner absent on the date fixed for Petitioner Evidence. Record reveals that notice served on Petitioner but none present on behalf of Petitioner. Therefore, in absence of any evidence by Petitioner, the case is dismissed and a 'No Claim' award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Shri Vinay Panghal, LDC corrected and signed by me on this the 24<sup>th</sup> day of April, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the  
Petitioner  
NIL

Witnesses examined for the  
Respondent  
NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 16 मई, 2024

**का.आ. 953.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कोयला खान भविष्य निधि संगठन के प्रबंधन के संबद्ध नियोजको और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय, हैदराबाद के पंचाट (पहचान संख्या 54/2018)** को प्रकाशित करती है, जो केन्द्रीय सरकार को **17/05/2024** को प्राप्त हुआ था।

[सं. एल-22013/01/2024–आई.आर. (सी.एम- II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 16th May, 2024

**S.O. 953.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**ID. No. 54/2018**) of the **Central Government Industrial Tribunal-cum-Labour Court, HYDERABAD** as shown in the Annexure, in the industrial dispute between the Management of **Coal Mines Provident Fund Organization** and their workmen, received by the Central Government on **17/05/2024**.

[No. L-22013/01/2024– IR (CM-II)]

MANIKANDAN. N, Dy. Director

**ANNEXURE**

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT  
HYDERABAD**

Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 26<sup>th</sup> day of March, 2024

**INDUSTRIAL DISPUTE LC No. 54/2018**

Between:

Kumari Kothakonda Rajani,

D/o Guruvaiah,

H.No.4-7-70, Autonagar, N.T.P.C.,

Godavarikhani,

Karimnagar District.

.....Petitioner

AND

1. The Commissioner,  
Coal Mines Provident Fund Organization,  
Police Line, Hirapur,  
Dhanbad, Jharkhand-826014.
  2. The General Manager,  
M/s. Coal Mines Provident Fund Regional Office,  
Godavarikhani, Karimnagar District.  
Telengana State
- ... Respondents

Appearances:

For the Petitioner : Sri R. Eshwar Prasad, Representative  
For the Respondent : Representative

**AWARD**

Kumari Kothakonda Rajani who worked as Data Entry Operator (who will be referred to as the workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondents CMPF Organization seeking for reinstatement into service duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deems fit.

2. On the date fixed for Ex-parte Petitioner's evidence, Petitioner called absent. The record shows that Petitioner is not attending the proceedings since 24.3.2023 and despite providing sufficient opportunity Petitioner has not adduced evidence to substantiate her claim. Hence. A 'No claim' award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 26<sup>th</sup> day of March, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the	Witnesses examined for the
Petitioner	Respondent
NIL	NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 16 मई, 2024

**का.आ. 954.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कोयला खान भविष्य निधि संगठन के प्रबंधन के संबद्ध नियोजको और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय, हैदराबाद के पंचाट (पहचान संख्या 53/2018) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17/05/2024 को प्राप्त हुआ था।

[सं. एल-22013/31/2011-आई.आर. (सी.एम- II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 16th May, 2024

**S.O. 954.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**ID. No. 53/2018**) of the **Central Government Industrial Tribunal-cum-Labour Court, HYDERABAD** as shown in the Annexure, in the industrial dispute between the Management of **Coal Mines Provident Fund Organization** and their workmen, received by the Central Government on **17/05/2024**.

[No. L-22013/01/2024— IR (CM-II)]

MANIKANDAN. N, Dy. Director

**ANNEXURE**

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT  
HYDERABAD**

Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 26<sup>th</sup> day of March, 2024

**INDUSTRIAL DISPUTE LC No. 53/2018**

Between:

Smt. Chinthala Sunitha,

W/o Prakash,

H.No.6-5-273/18,

Power House colony,

Godavarikhani,

Karimnagar District.

.....Petitioner

AND

1. The Commissioner,  
Coal Mines Provident Fund Organization,  
Police Line, Hirapur,  
Dhanbad, Jharkhand-826014.

2. The General Manager,  
M/s. Coal Mines Provident Fund Regional Office,  
Godavarikhani, Karimnagar District.  
Telengana State

... Respondents

Appearances:

For the Petitioner : Sri R. Eshwar Prasad, Representative

For the Respondent : Representative

**AWARD**

Smt. Chinthala Sunitha who worked as Data Entry Operator (who will be referred to as the workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondents CMPF Organization seeking for reinstatement into service duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deems fit.

2. On the date fixed for Ex-parte Petitioner's evidence, Petitioner called absent. The record shows that Petitioner is not attending the proceedings since 24.3.2023 and despite providing sufficient opportunity Petitioner has not adduced evidence to substantiate her claim. Hence, a 'No claim' award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 26<sup>th</sup> day of March, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the  
Petitioner  
NIL

Witnesses examined for the  
Respondent  
NIL

**Documents marked for the Petitioner**

NIL

**Documents marked for the Respondent**

NIL

नई दिल्ली, 16 मई, 2024

**का.आ. 955.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कोयला खान भविष्य निधि संगठन के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, हैदराबाद के पंचाट (पहचान संख्या 55/2018)** को प्रकाशित करती है, जो केन्द्रीय सरकार को **17/05/2024** को प्राप्त हुआ था।

[सं. एल-22013/01/2024-आई.आर. (सी.एम- II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 16th May, 2024

**S.O. 955.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**ID. No. 55/2018**) of the **Central Government Industrial Tribunal-cum-Labour Court, HYDERABAD** as shown in the Annexure, in the industrial dispute between the Management of **Coal Mines Provident Fund Organization** and their workmen, received by the Central Government on **17/05/2024**.

[No. L-22013/01/2024- IR (CM-II)]

MANIKANDAN. N, Dy. Director

**ANNEXURE****IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT  
HYDERABAD**Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 26<sup>th</sup> day of March, 2024**INDUSTRIAL DISPUTE LC No. 55/2018**

Between:

Smt. Punnam Sailatha,

W/o Hanumanthu,

H.No.6-5-301, Power House colony,

Godavarikhani,

Karimnagar District.

.....Petitioner

AND

1. The Commissioner,  
Coal Mines Provident Fund Organization,  
Police Line, Hirapur,  
Dhanbad, Jharkhand-826014.

2. The General Manager,  
M/s. Coal Mines Provident Fund Regional Office,  
Godavarikhani, Karimnagar District.  
Telengana State

... Respondents

Appearances:

For the Petitioner : Sri R. Eshwar Prasad, Representative  
For the Respondent : Representative

**AWARD**

Smt. Punnam Sailatha who worked as Data Entry Operator (who will be referred to as the workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondents CMPF Organization seeking for reinstatement into service duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deems fit.

2. On the date fixed for Ex-parte Petitioner's evidence, Petitioner called absent. The record shows that Petitioner is not attending the proceedings since 24.3.2023 and despite providing sufficient opportunity Petitioner has not adduced evidence to substantiate her claim. Hence. A 'No claim' award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 26<sup>th</sup> day of March, 2024.

IRFAN QAMAR, Presiding Officer

**Appendix of evidence**

Witnesses examined for the  
Petitioner  
NIL

Witnesses examined for the  
Respondent  
NIL

**Documents marked for the Petitioner**

NIL

**Documents marked for the Respondent**

NIL

नई दिल्ली, 16 मई, 2024

**का.आ. 956.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कोयला खान भविष्य निधि संगठन के प्रबंधन के संबद्ध नियोजको और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, हैदराबाद** के पंचाट (पहचान संख्या **56/2018**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **17/05/2024** को प्राप्त हुआ था।

[सं. एल-22013/01/2024-आई.आर. (सी.एम- II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 16th May, 2024

**S.O. 956.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**ID. No. 56/2018**) of the **Central Government Industrial Tribunal-cum-Labour Court, HYDERABAD** as shown in the Annexure, in the industrial dispute between the Management of **Coal Mines Provident Fund Organization** and their workmen, received by the Central Government on **17/05/2024**.

[No. L-22013/01/2024- IR (CM-II)]

MANIKANDAN. N, Dy. Director

**ANNEXURE****IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT  
HYDERABAD**

Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 26<sup>th</sup> day of March, 2024

**INDUSTRIAL DISPUTE LC No. 56/2018**

Between:

Smt. Narsdela Ramadevi

W/o Srinivas,

H.No.1173, D Type,

Jawaharnagar,

Godavarikhani,  
Karimnagar District.  
AND

.....Petitioner

1. The Commissioner,  
Coal Mines Provident Fund Organization,  
Police Line, Hirapur,  
Dhanbad, Jharkhand-826014.
2. The General Manager,  
M/s. Coal Mines Provident Fund Regional Office,  
Godavarikhani, Karimnagar District.  
Telengana State

... Respondents

Appearances:

For the Petitioner : Sri R. Eshwar Prasad, Representative  
For the Respondent : Representative

#### AWARD

Smt. Nardela Ramadevi who worked as Data Entry Operator (who will be referred to as the workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondents CMPF Organization seeking for reinstatement into service duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deems fit.

2. On the date fixed for Ex-parte Petitioner's evidence, Petitioner called absent. The record shows that Petitioner is not attending the proceedings since 24.3.2023 and despite providing sufficient opportunity Petitioner has not adduced evidence to substantiate her claim. Hence. A 'No claim' award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 26<sup>th</sup> day of March, 2024.

IRFAN QAMAR, Presiding Officer

#### Appendix of evidence

Witnesses examined for the  
Petitioner  
NIL

Witnesses examined for the  
Respondent  
NIL

#### Documents marked for the Petitioner

NIL

#### Documents marked for the Respondent

NIL

नई दिल्ली, 16 मई, 2024

**का.आ. 957.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कोयला खान भविष्य निधि संगठन के प्रबंधन के संबद्ध नियोजको और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, हैदराबाद के पंचाट (पहचान संख्या 58/2018)** को प्रकाशित करती है, जो केन्द्रीय सरकार को **17/05/2024** को प्राप्त हुआ था।

[सं. एल-22013/01/2024-आई.आर. (सी.एम- II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 16th May, 2024

**S.O. 957.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**ID. No. 58/2018**) of the **Central Government Industrial Tribunal-cum-Labour Court, HYDERABAD** as shown in the Annexure, in the industrial dispute between the Management of **Coal Mines Provident Fund Organization** and their workmen, received by the Central Government on **17/05/2024**.

[No. L-22013/01/2024- IR (CM-II)]

MANIKANDAN. N, Dy. Director

**ANNEXURE**  
**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT**  
**HYDERABAD**

Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 26<sup>th</sup> day of March, 2024

**INDUSTRIAL DISPUTE LC No. 58/2018**

Between:

Smt. Gorla Sarala,

W/o Bhasker Reddy,

R/o H.No.6-5-343, Power House Colony,

Godavarikhani,

Karimnagar District.

.....Petitioner

AND

1. The Commissioner,  
Coal Mines Provident Fund Organization,  
Police Line, Hirapur,  
Dhanbad, Jharkhand-826014.

2. The General Manager,  
M/s. Coal Mines Provident Fund Regional Office,  
Godavarikhani, Karimnagar District.

Telengana State

... Respondents

Appearances:

For the Petitioner : Sri R. Eshwar Prasad, Representative

For the Respondent : Representative

**AWARD**

Smt. Gorla Sarala who worked as Data Entry Operator (who will be referred to as the workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondents CMPF Organization seeking for reinstatement into service duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deem fit.

2. On the date fixed for Ex-parte Petitioner's evidence, Petitioner called absent. The record shows that Petitioner is not attending the proceedings since 24.3.2023 and despite providing sufficient opportunity Petitioner has not adduced evidence to substantiate her claim. Hence. A 'No claim' award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 26<sup>th</sup> day of March, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the

Petitioner

NIL

Witnesses examined for the

Respondent

NIL



**Documents marked for the Petitioner**

NIL

**Documents marked for the Respondent**

NIL

नई दिल्ली, 16 मई, 2024

**का.आ. 958.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कोयला खान भविष्य निधि संगठन के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, हैदराबाद** के पंचाट (पहचान संख्या **57/2018**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **17/05/2024** को प्राप्त हुआ था।

[सं. एल-22013/01/2024-आई.आर. (सी.एम- II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 16th May, 2024

**S.O. 958**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**ID. No. 57/2018**) of the **Central Government Industrial Tribunal-cum-Labour Court, HYDERABAD** as shown in the Annexure, in the industrial dispute between the Management of **Coal Mines Provident Fund Organization** and their workmen, received by the Central Government on **17/05/2024**.

[No. L-22013/01/2024- IR (CM-II)]

MANIKANDAN. N, Dy. Director

**ANNEXURE****IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT  
HYDERABAD**Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 26<sup>th</sup> day of March, 2024**INDUSTRIAL DISPUTE LC No. 57/2018**

Between:

Smt. Ananthagiri Swathi,

W/o Srikanth Reddy,

H.No.6-5-496/6, Power House colony,

Godavarikhani,

Karimnagar District.

.....Petitioner

AND

1. The Commissioner,  
Coal Mines Provident Fund Organization,  
Police Line, Hirapur,  
Dhanbad, Jharkhand-826014.

2. The General Manager,  
M/s. Coal Mines Provident Fund Regional Office,  
Godavarikhani, Karimnagar District.

Telengana State

... Respondents

Appearances:

For the Petitioner : Sri R. Eshwar Prasad, Representative

For the Respondent : Representative

**AWARD**

Smt. Ananthagiri Swathi who worked as Data Entry Operator (who will be referred to as the workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondents CMPF Organization seeking for reinstatement into service duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deems fit.

2. On the date fixed for Ex-parte Petitioner's evidence, Petitioner called absent. The record shows that Petitioner is not attending the proceedings since 24.3.2023 and despite providing sufficient opportunity Petitioner has not adduced evidence to substantiate her claim. Hence. A 'No claim' award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 26<sup>th</sup> day of March, 2024.

IRFAN QAMAR, Presiding Officer

**Appendix of evidence**

Witnesses examined for the  
Petitioner  
NIL

Witnesses examined for the  
Respondent  
NIL

**Documents marked for the Petitioner**

NIL

**Documents marked for the Respondent**

NIL

नई दिल्ली, 16 मई, 2024

**का.आ. 959.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कोयला खान भविष्य निधि संगठन के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, हैदराबाद के पंचाट (पहचान संख्या 59/2018)** को प्रकाशित करती है, जो केन्द्रीय सरकार को **17/05/2024** को प्राप्त हुआ था।

[सं. एल-22013/01/2024—आई.आर. (सी.एम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 16th May, 2024

**S.O. 959.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**ID. No. 59/2018**) of the **Central Government Industrial Tribunal-cum-Labour Court, HYDERABAD** as shown in the Annexure, in the industrial dispute between the Management of **Coal Mines Provident Fund Organization** and their workmen, received by the Central Government on **17/05/2024**.

[No. L-22013/01/2024—IR (CM-II)]

MANIKANDAN. N, Dy. Director

**ANNEXURE****IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD**

Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 26<sup>th</sup> day of March, 2024

**INDUSTRIAL DISPUTE LC No. 59/2018**

Between:

Smt. Pyndla Sangeetha Laxmi,  
R/o H.No.6-5-231, Power House Colony,  
Godavarikhani,  
Karimnagar District.

.....Petitioner

AND

1. The Commissioner,  
Coal Mines Provident Fund Organization,  
Police Line, Hirapur,  
Dhanbad, Jharkhand-826014.
  2. The General Manager,  
M/s. Coal Mines Provident Fund Regional Office,  
Godavarikhani, Karimnagar District.  
Telengana State
- ... Respondents

Appearances:

For the Petitioner : Sri R. Eshwar Prasad, Representative  
For the Respondent : Representative

**AWARD**

Smt. Pyndla Sangeetha Laxmi who worked as Data Entry Operator (who will be referred to as the workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondents CMPF Organization seeking for reinstatement into service duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deems fit.

2. On the date fixed for Ex-parte Petitioner's evidence, Petitioner called absent. The record shows that Petitioner is not attending the proceedings since 24.3.2023 and despite providing sufficient opportunity Petitioner has not adduced evidence to substantiate her claim. Hence. A 'No claim' award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 26<sup>th</sup> day of March, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner NIL	Witnesses examined for the Respondent NIL
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Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 16 मई, 2024

**का.आ. 960.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कोयला खान भविष्य निधि संगठन के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय**, हैदराबाद के पंचाट (पहचान संख्या 60/2018) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17/05/2024 को प्राप्त हुआ था।

[सं. एल-22013/01/2024-आई.आर. (सी.एम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 16th May, 2024

**S.O. 960.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**ID. No. 60/2018**) of the **Central Government Industrial Tribunal-cum-Labour Court, HYDERABAD** as shown in the Annexure, in the industrial dispute between the Management of **Coal Mines Provident Fund Organization** and their workmen, received by the Central Government on **17/05/2024**.

[No. L-22013/01/2024– IR (CM-II)]

MANIKANDAN. N, Dy. Director

### ANNEXURE

### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 26<sup>th</sup> day of March, 2024

### INDUSTRIAL DISPUTE LC No. 60/2018

Between:

Kumari Srikonda Sunitha,

D/o Rajaiah,

H.No. 6-1-83/98/4, Prashanth Nagar,

Godavarikhani, Karimnagar District

.....Petitioner

AND

1. The Commissioner,

Coal Mines Provident Fund Organization,

Police Line, Hirapur,

Dhanbad, Jharkhand-826014.

2. The General Manager,

M/s. Coal Mines Provident Fund Regional Office,

Godavarikhani, Karimnagar District.

Telangana State

... Respondents

Appearances:

For the Petitioner : Sri R. Eshwar Prasad, Representative

For the Respondent : Representative

### AWARD

Kumari Sirikonda Sunitha who worked as Data Entry Operator who will be referred to as the workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondents CMPF Organization seeking for reinstatement into service duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deems fit.

2. On the date fixed for Ex-parte Petitioner's evidence, Petitioner called absent. The record shows that Petitioner is not attending the proceedings since 24.3.2023 and despite providing sufficient opportunity Petitioner has not adduced evidence to substantiate her claim. Hence, A 'No claim' award is passed. Transmit.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 26<sup>th</sup> day of March, 2024.

IRFAN QAMAR, Presiding Officer

### Appendix of evidence

Witnesses examined for the

Petitioner

NIL

Witnesses examined for the

Respondent

NIL

**Documents marked for the Petitioner**

NIL

**Documents marked for the Respondent**

नई दिल्ली, 16 मई, 2024

**का.आ. 961.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कोयला खान भविष्य निधि संगठन के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय, हैदराबाद** के पंचाट (पहचान संख्या **52/2018**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **17/05/2024** को प्राप्त हुआ था।

[सं. एल-22013/01/2024-आई.आर. (सी.एम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 16th May, 2024

**S.O. 961.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**ID. No. 52/2018**) of the **Central Government Industrial Tribunal-cum-Labour Court, HYDERABAD** as shown in the Annexure, in the industrial dispute between the Management of **Coal Mines Provident Fund Organization** and their workmen, received by the Central Government on **17/05/2024**.

[No. L-22013/01/2024- IR (CM-II)]

MANIKANDAN. N, Dy. Director

**ANNEXURE****IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD**Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 26<sup>th</sup> day of March, 2024**INDUSTRIAL DISPUTE LC No. 52/2018**

Between:

Smt. Pittala Anitha,

W/o Satynarayana,

H.No.D-317, Gandhinagar,

Godavarikhani,

Karimnagar District.

.....Petitioner

AND

1. The Commissioner,  
Coal Mines Provident Fund Organization,  
Police Line, Hirapur,  
Dhanbad, Jharkhand-826014.

2. The General Manager,  
M/s. Coal Mines Provident Fund Regional Office,  
Godavarikhani, Karimnagar District.  
Telengana State

... Respondents

Appearances:

For the Petitioner : Sri R. Eshwar Prasad, Representative  
For the Respondent : Representative

**AWARD**

Smt. Pittala Anitha who worked as Data Entry Operator(who will be referred to as the workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondents CMPF Organization seeking for reinstatement into service duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deems fit.

2. On the date fixed for Ex-parte Petitioner's evidence, Petitioner called absent. The record shows that Petitioner is not attending the proceedings since 24.3.2023 and despite providing sufficient opportunity Petitioner has not adduced evidence to substantiate her claim. Hence. A 'No claim' award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 26<sup>th</sup> day of March, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the  
Petitioner  
NIL

Witnesses examined for the  
Respondent  
NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 16 मई, 2024

**का.आ. 962.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कोयला खान भविष्य निधि संगठन के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, हैदराबाद** के पंचाट (पहचान संख्या 51/2018) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17/05/2024 को प्राप्त हुआ था।

[सं. एल-22013/01/2024-आई.आर. (सी.एम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 16th May, 2024

**S.O. 962.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**ID. No. 51/2018**) of the **Central Government Industrial Tribunal-cum-Labour Court, HYDERABAD** as shown in the Annexure, in the industrial dispute between the Management of **Coal Mines Provident Fund Organization** and their workmen, received by the Central Government on **17/05/2024**.

[No. L-22013/01/2024- IR (CM-II)]

MANIKANDAN. N, Dy. Director

**ANNEXURE****IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD**

Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 26<sup>th</sup> day of March, 2024

**INDUSTRIAL DISPUTE LC No. 51/2018**

Between:

Smt. Parsa Paripurna,

W/o Chandar,

H.No.7-2-533/285/1, Ganganagar,

Godavarikhani,

Karimnagar District.

.....Petitioner

AND

1. The Commissioner,  
Coal Mines Provident Fund Organization,  
Police Line, Hirapur,  
Dhanbad, Jharkhand-826014.
  2. The General Manager,  
M/s. Coal Mines Provident Fund Regional Office,  
Godavarikhani, Karimnagar District.  
Telengana State
- ... Respondents

Appearances:

For the Petitioner : Sri R. Eshwar Prasad, Representative  
For the Respondent : Representative

**AWARD**

Smt. Parsa Paripurna who worked as Data Entry Operator (who will be referred to as the workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondents CMPF Organization seeking for reinstatement into service duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deems fit.

2. On the date fixed for Ex-parte Petitioner's evidence, Petitioner called absent. The record shows that Petitioner is not attending the proceedings since 24.3.2023 and despite providing sufficient opportunity Petitioner has not adduced evidence to substantiate her claim. Hence, a 'No claim' award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 26<sup>th</sup> day of March, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the	Witnesses examined for the
Petitioner	Respondent
NIL	NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 16 मई, 2024

**का.आ. 963.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कोयला खान भविष्य निधि संगठन के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, हैदराबाद के पंचाट (पहचान संख्या 50/2018) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17/05/2024 को प्राप्त हुआ था।

[सं. एल-22013/01/2024-आई.आर. (सी.एम-II)]

मणिकंदन.एन, उप निदेशक



New Delhi, the 16th May, 2024

**S.O. 963.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**ID. No. 50/2018**) of the **Central Government Industrial Tribunal-cum-Labour Court, HYDERABAD** as shown in the Annexure, in the industrial dispute between the Management of **Coal Mines Provident Fund Organization** and their workmen, received by the Central Government on **17/05/2024**.

[No. L-22013/01/2024– IR (CM-II)]

MANIKANDAN. N, Dy. Director

**ANNEXURE**

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT  
HYDERABAD**

Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 26<sup>th</sup> day of March, 2024

**INDUSTRIAL DISPUTE LC No. 50/2018**

Between:

Smt. Eagala Saritha,

W/o Sathish,

H.No.16-3-311/1, Thirumalanagar,

Godavarikhani,

Karimnagar District.

.....Petitioner

AND

1. The Commissioner,  
Coal Mines Provident Fund Organization,  
Police Line, Hirapur,  
Dhanbad, Jharkhand-826014.

2. The General Manager,  
M/s. Coal Mines Provident Fund Regional Office,  
Godavarikhani, Karimnagar District.  
Telengana State

... Respondents

Appearances:

For the Petitioner : Sri R. Eshwar Prasad, Representative

For the Respondent : Representative

**AWARD**

Smt. Eagala Saritha who worked as Data Entry Operator (who will be referred to as the workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondents CMPF Organization seeking for reinstatement into service duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deems fit.

2. On the date fixed for Ex-parte Petitioner's evidence, Petitioner called absent. The record shows that Petitioner is not attending the proceedings since 24.3.2023 and despite providing sufficient opportunity Petitioner has not adduced evidence to substantiate her claim. Hence, a 'No claim' award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 26<sup>th</sup> day of March, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the  
Petitioner  
NIL

Witnesses examined for the  
Respondent  
NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 17 मई, 2024

**का.आ. 964.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, हैदराबाद के पंचाट (पहचान संख्या 2/2018) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17/04/2024 को प्राप्त हुआ था।

[सं. एल-22012/87/2017-आई.आर. (सी.एम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 17th May, 2024

**S.O. 964.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**ID. No. 2/2018**) of the **Central Government Industrial Tribunal-cum-Labour Court, HYDERABAD** as shown in the Annexure, in the industrial dispute between the Management of **S.C.C.Ltd.** and their workmen, received by the Central Government on **17/04/2024**.

[No. L-22012/87/2017- IR (CM-II)]

MANIKANDAN. N, Dy. Director

## ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT  
HYDERABAD

Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 18<sup>th</sup> day of January, 2024

**INDUSTRIAL DISPUTE No. 2/2018**

Between:

The General Secretary (Sri Riaz Ahmed),  
Singareni Mines & Engg. Workers Union (HMS),  
Qtr.No.C-34, Sector-I, Godavarikhani – 505209.

. . . . .Petitioner/Union

AND

The Chief General Manager,  
M/s. Singareni Collieries Company Ltd.,  
Ramagundam-II Area, GDK-8 Inc., Colony,  
Godavarikhani – 505211.

... Respondent

## Appearances:

For the Petitioner : M/s. A. Sarojana & K. Vasudeva Reddy, Advocates  
For the Respondent : Sri Y. Ranjeeth Reddy, Advocate

**AWARD**

The Government of India, Ministry of Labour by its order No.L-22012/87/2017-IR(CM.II) dated 16.11.2017 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd., and their workman. The reference is,

**SCHEDULE**

“Whether the action of the General Manager, M/s. Singareni Collieries Company Ltd., Bellampalli Area, Adilabad Dist.(TS), in awarding punishment of suspending for the period from 24.8.2015 to 2.9.2015 without wages in respect of Sri T. Venkateshwarlu, Security Guard, S & PC Department., SCCo.Ltd., Ramagundam-II Area, is justified or not? If not, to what relief the applicant is entitled for ?”

The reference is numbered in this Tribunal as I.D. No. 2/2018 and notices were issued to the parties concerned and the Petitioner entered appearance.

2. On the date fixed for filing of claim statement Petitioner remained absent, despite sufficient number of opportunities have been provided to him. Record reveals that the matter is posted for filing of claim statement since 2018. Due to absence of Petitioner and non-filing of claim statement, case is dismissed for default and a ‘No claim’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant, and corrected by me on this the 18<sup>th</sup> day of January, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the  
Petitioner  
NIL

Witnesses examined for the  
Respondent  
NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 17 मई, 2024

का.आ. 965.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार निदेशक, सतीश धवन मेमोरियल अस्पताल, हरिकोटा सतीश धवन अंतरिक्ष केंद्र, शार हरिकोटा, नेल्लोर; सीएमडी, ग्लोबल हॉस्पिटल, पेरंबक्कम, चेन्नई- (तमिलनाडु); निदेशक, अंतर्राष्ट्रीय पर्यावरण स्वच्छता एवं सार्वजनिक स्वास्थ्य अकादमी, विजय एन्क्लेव, नई दिल्ली, के प्रबंधन के संबद्ध नियोजकों सचिव, सुल्लुरुपेटा कर्मिका समाख्या (सीटू), सुल्लुरुपेटा, नेल्लोर (ए.पी.), के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय- हैदराबाद पंचाट (संदर्भ संख्या 10/2019) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 15/05/2024 को प्राप्त हुआ था।

[सं. एल-42011/118/2017—आईआर (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 17th May, 2024

**S.O. 965.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 10/2019) of the **Central Government Industrial Tribunal cum Labour Court– Hyderabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Director, Satish Dhawan Memorial Hospital, Harikota Satish Dhawan Space Center, SHAR Harikota, Nellore ;The CMD, Global Hospital, Perumbakkam, Chennai-(Tamilnadu) ;The Director, International Academy of Environmental Sanitation & Public Health, Vijay Enclave, New Delhi, and The Secretary, Sullurupeta Karmika Samakhya (CITU), Sullurupeta, Nellore (A.P)**, which was received along with soft copy of the award by the Central Government on 15/05/2024.

[No. L-42011/118/2017– IR (DU)]

DILIP KUMAR, Under Secy.

#### ANNEXURE

#### THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 1<sup>st</sup> day of May, 2024

#### INDUSTRIAL DISPUTE No. 10/2019

Between:

The Secretary,

Sullurupeta Karmika Samakhya (CITU),

GNT Road, Sullurupeta, ,

Nellore(AP)-524121.

.....Petitioner

AND

1. The Director,

Satish Dhawan Memorial Hospital, Harikota ,

Satish Dhawan Space Center, SHAR,

Harikota, Nellore-524124

2. The CMD

Global Hospital

ECR Link Rd, Perumbakkam

Chennai(Tamilnadu)-600100

... Respondents

Appearances:

For the Petitioner : Sri Gopal Rao, Advocate

For the Respondent : Sri Vijay Kumar Goud, Advocate for R1

Sri Y Ranjeeth Reddy, Advocate for R2

#### AWARD

The Government of India, Ministry of Labour by its order No. L-42011/118/2017 (IR(DU)) dated 10.8.2018 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Satish Dhawan Memorial Hospital, Harikota and The CMD Global Hospital and their workmen. The reference is,

#### SCHEDULE

“Whether the demand of Sullurupeta Karmika Samakhya (CITU) for employment of the erstwhile contract labour (Lists attached), who were working with erstwhile Contractor M/s Global Hospital, with the new contractor M/s Apollo Hospital Enterprise Ltd, Chennai in Satish Dhawan Memorial Hospital, Sriharikota is legal and proper? If so, what relief are they entitled to and what directions are necessary in this respect?

The reference is numbered in this Tribunal as ID No. 10/2019 and notices were issued to the parties concerned.

2. None present for Petitioner. Counsel for Respondent No.2 filed memo submitting that since long time Petitioner is not attending the court nor filed amended neat copy of claim petition. Perused the record. On previous dates i.e 13.10.2022 and 22.6.2023, Petitioner was directed to rectify the defect in cause-title as per reference. But no compliance has been made till date as per directions and Petitioner is also not attending the proceedings. It seems that the Petitioner is not interested to prosecute his case. In absence of Claim statement, the case is dismissed and a 'No-Claim' Award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Shri Vinay Panghal, LDC corrected and signed by me on this the 1<sup>st</sup> day of May, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the  
Petitioner  
NIL

Witnesses examined for the  
Respondent  
NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 17 मई, 2024

का.आ. 966.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार प्रधान नियोक्ता, एसडीएससी, एसएचएआर, इसरो, श्रीहरिकोटा, एसपीएसआर नेल्लोर, आंध्र प्रदेश; मेसर्स ग्लोबल हॉस्पिटल, 439, चेरन नगर, पेरुंबक्कम, चेन्नई, तमिलनाडु, के प्रबंधन के संबद्ध नियोजकों और सचिव, (सीटू), जीएनटी रोड, सुल्लुरुपेटा, एसपीएसआर नेल्लोर (ए.पी.), के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह-श्रम न्यायालय- हैदराबाद पंचाट (संदर्भ संख्या 18/2019) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 15/05/2024 को प्राप्त हुआ था।

[सं. एल-42011/147/2018-आईआर (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 17th May, 2024

**S.O. 966.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 18/2019) of the **Central Government Industrial Tribunal cum Labour Court—Hyderabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Principal Employer, SDSC, SHAR, ISRO, Sriharikota, SPSR Nellore, Andhra Pradesh ;M/s Global Hospital, 439, Cheran Nagar, Perumbakkam, Chennai, Tamilnadu , and The Secretary, (CITU), GNT Road, Sullurupeta, SPSR Nellore (A.P)**, which was received along with soft copy of the award by the Central Government on 15/05/2024.

[No. L-42011/147/2018—IR (DU)]

DILIP KUMAR, Under Secy.

**ANNEXURE**

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT  
HYDERABAD**

Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 1<sup>st</sup> day of May, 2024

**INDUSTRIAL DISPUTE No. 18/2019**

Between:

Sh. Ch. Sudhakara Rao

Secretary,(CITU)

GNT Road, Sullurupeta,

SPSR Nellore (A.P)-524121.

.....Petitioner

AND

1. The Principal Employer,  
SDSC, SHAR,ISRO,Dept. Of Space,  
Govt. Of India, Sriharikota, SPSR Nellore  
Andra Pradesh -524124

2. M/s Global Hospital,439,  
Cheran Nagar, Perumbakkam, Chennai,  
Tamilnadu-600100.

... Respondents

Appearances:

For the Petitioner : Sri Gopal Rao, Advocate

For the Respondent : Sri Vijay Kumar Goud, Advocate for R1  
Sri Y Ranjeeth Reddy, Advocate for R2

**AWARD**

The Government of India, Ministry of Labour by its order No.L-42011/147/2018- (IR(DU)) referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. SDSC, SHAR,ISRO, Dept. Of Space and their workmen. The reference is,

**SCHEDULE**

“Whether the Industrial dispute between the management of M/s. International Academy of Enviromental Sanitation and Public Health, New Delhi Contractor of M/s SDSC, SHAR, ISRO, Dept. of Space, Govt. of India Sriharikota, SPSR Nellore Distt. Principal Employer and their workmen represented by Sh. Ch. Sudhakara Rao Secretary, (CITU) Nellore District regarding non-payment of bonus of Smt. K. Vani, Safaikarmachari and 39 others is fair and legal? If not, what relief the workman and union are entitled to?

The reference is numbered in this Tribunal as I.D. No. 18/2019 and notices were issued to the parties concerned.

2. None present for Petitioner. Counsel for Respondent No.2 filed memo submitting that since long time Petitioner is not attending the court nor filed amended neat copy of claim petition. Perused the record. On previous dates i.e 13-10-2022 and 22-6-2023, Petitioner was directed to rectify the defect in cause-title as per reference. But no compliance has been made till date as per directions and Petitioner is also not attending the proceedings. It seems that the Petitioner is not interested to prosecute his case. In absence of Claim statement, the case is dismissed and a ‘No-Claim’ Award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Shri Vinay Panghal, LDC corrected and signed by me on this the 1<sup>st</sup> day of May, 2024.

IRFAN QAMAR, Presiding Officer

**Appendix of evidence**

Witnesses examined for the

Petitioner

NIL

Witnesses examined for the

Respondent

NIL

**Documents marked for the Petitioner**

NIL

**Documents marked for the Respondent**

NIL

नई दिल्ली, 17 मई, 2024

का.आ. 967.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एओसी, वायु सेना स्टेशन, हकीमपेट, सिकंदराबाद-(एपी), के प्रबंधन के संबंधित नियोजकों और वायु सेना नागरिक कर्मचारी संघ, सिकंदराबाद, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय- हैदराबाद पंचाट (संदर्भ संख्या 60/2022) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 15/05/2024 को प्राप्त हुआ था।

[सं. एल-42011/155/2022-आईआर (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 17th May, 2024

**S.O. 967.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 60/2022) of the **Central Government Industrial Tribunal cum Labour Court—Hyderabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The AOC, Air Force Station, Hakimpet, Secunderabad-(AP), and Air Force Civilian Employees Union, Secunderabad**, which was received along with soft copy of the award by the Central Government on 15/05/2024.

[No. L-42011/155/2022– IR (DU)]

DILIP KUMAR, Under Secy.

**ANNEXURE****IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT  
HYDERABAD**Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 25<sup>th</sup> day of April, 2024**INDUSTRIAL DISPUTE No. 60/2022**

Between:

Air Force Civilian Employees Union,  
H.No.35-32/201, Prem Residency, G.R Colony  
Near Indian High School, Naredment,  
Secunderabad-500094.

.....Petitioner

AND

The AOC,  
Air Force Station,  
Hakimpet,  
Secunderabad(AP)-500014.

...Respondents

Appearances:

For the Petitioner : Representative

For the Respondent : M/s. Ravinder Viswanath &amp; P. Damodar Reddy, Advocates



**AWARD**

The Government of India, Ministry of Labour by its order No.L-42011/ 155/ 2022-(IR(DU)) dated 27.05.2022 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of Air Force Station, Hakimpet and their workmen. The reference is,

**SCHEDULE**

- 1 “Whether the dispute raised by Air Force Civilian Union, Secunderabad regarding their charter of demands dated 18.07.2020 is industrial dispute under I.D. Act, 1974?
- 2 If yes at S.No.1, whether Air Force Civilian Employees Union, Secunderabad has locus standi to raise industrial dispute regarding their charter of demands dated 18.07.2020 under ID Act, 1974 against the management of AOC, Air Force Station, Hakimpet, Secunderabad for civilian employees at Air Force Station, Hakimpet?
3. If yes at S.No. 2, whether the charter of demands dated 18.07.2020 raised by Air Force Civilian Employees Union, Secunderabad against the management of AOC, Air Force Station, Hakimpet, Secunderabad for civilian employees at Air Force Station, Hakimpet is proper, legal and justified? If yes, to what reliefs are disputant entitled and what directions are necessary in this respect?”

The reference is numbered in this Tribunal as I.D. No 60/2022 and notices were issued to the parties concerned.

2. Petitioner absent on the date fixed for Petitioner’s evidence. Petitioner did not adduce any evidence in support of his claim despite sufficient opportunity accorded to him. In absence of evidence in support of Petitioner’s claim, the case is dismissed and a ‘No Claim’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Shri Vinay Panghal, LDC corrected and signed by me on this the 25<sup>th</sup> day of April, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the  
Petitioner  
NIL

Witnesses examined for the  
Respondent  
NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 17 मई, 2024

का.आ. 968.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार निदेशक, सतीश धवन मेमोरियल अस्पताल, हरिकोटा सतीश धवन अंतरिक्ष केंद्र, शार हरिकोटा, नेल्लोर; सीएमडी, ग्लोबल हॉस्पिटल, पेरुंबक्कम, चेन्नई- (तमिलनाडु); निदेशक, अंतर्राष्ट्रीय पर्यावरण स्वच्छता एवं सार्वजनिक स्वास्थ्य अकादमी, विजय एन्क्लेव, नई दिल्ली, के प्रबंधन के संबद्ध नियोजकों सचिव, सुल्लुरुपेटा कर्मिका समाख्या (सीटू), सुल्लुरुपेटा, नेल्लोर (ए.पी.), के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय- हैदराबाद पंचाट (संदर्भ संख्या 108/2018) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 15/05/2024 को प्राप्त हुआ था।

[सं. एल-42011/22/2018-आईआर (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 17th May, 2024

**S.O. 968.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 108/2018) of the **Central Government Industrial Tribunal cum Labour Court—Hyderabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Director, Satish Dhawan Memorial Hospital, Harikota Satish Dhawan Space Center, SHAR Harikota, Nellore ;The CMD,Global Hospital, Perumbakkam, Chennai-(Tamilnadu) ;The Director, International Academy of Environmental Sanitation & Public Health, Vijay Enclave, New Delhi, and The Secretary, Sullurupeta Karmika Samakhya (CITU), Sullurupeta, Nellore (A.P)**, which was received along with soft copy of the award by the Central Government on 15/05/2024.

[No. L-42011/22/2018— IR (DU)]

DILIP KUMAR, Under Secy.

**ANNEXURE**

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT  
HYDERABAD**

Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 1<sup>st</sup> day of May, 2024

**INDUSTRIAL DISPUTE No. 108/2018**

Between:

The Secretary,

Sullurupeta Karmika Samakhya (CITU)

GNT Road, Sullurupeta,

Nellore (AP)-52412.

.....Petitioner

AND

1. The Director,

Satish Dhawan Memorial Hospital, Harikota

Satish Dhawan Space Center, SHAR

Harikota, Nellore-524124.

2. The CMD,

Global Hospital,

ECR Link Rd, Perumbakkam,

Chennai(Tamilnadu)-600100.

3. The Director,

International Academy of Environmental

Sanitation & Public Health,

Near Mother's Pride School,

Vijay Enclave,

New Delhi-110045.

... Respondents

Appearances:

For the Petitioner : Shri Gopal Rao. Advocate

For the Respondent : Sri Vijay Kumar Goud, Advocate for R1

M/s.Y Ranjeeth Reddy & V.N Ramachandra, Advocates for R2

**AWARD**

The Government of India, Ministry of Labour by its order No. L-42011/22/2018 (IR(DU)) dated 30.8.2018 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Satish Dhawan Memorial Hospital, Harikota and their workmen. The reference is,

**SCHEDULE**

“Whether the demands of Union, Sullurupeta Karmika Samakhya (CITU), on the behalf of 29 Contract Labour (Listed) for (i) Payment of one month notice pay, and retrenchment compensation from Contractor Global Hospitals; (ii) Payments of Bonus & leave encashment from Sub-Contractor International Academy of Environmental Sanitation and Public Health(IAESPH); (iii) Absorption of contract Labour with Principal Employer Satish Dhawan Memorial Hospital and; (iv) Employment of Contract Labour with Principal Employer’s present Contractor Apollo Hospitals, are fair, just & legal? If so, to what benefits the concerned workmen are entitled to?

The reference is numbered in this Tribunal as I.D. No108/2018 and notices were issued to the parties concerned.

2. None present for petitioner. Counsel for Respondent No.2 filed memo submitting that since long time petitioner is not attending the court and not filed amended neat copy of claim petition. Perused the record. On previous dates i.e 13-10-2022 and 22-6-2023, petitioner was directed to rectify the defect in cause-title as per reference. But no compliance has been made till date as per directions and petitioner is also not attending the proceedings. It seems that the petitioner is not interested is not prosecute his case. In absence of Claim statement, ‘No-Claim’ Award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Shri Vinay Panghal, LDC corrected and signed by me on this the 1<sup>st</sup> day of May, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the  
Petitioner  
NIL

Witnesses examined for the  
Respondent  
NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 17 मई, 2024

**का.आ. 969.**—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उप निदेशक (प्रभारी), केन्द्रीय यूनानी चिकित्सा संस्थान, एरगिड्डा, हैदराबाद; एमएस। आस्था सिक्योरिटी एंड मैनुपावर सर्विसेज, हब्सीगुडा, हैदराबाद, के प्रबंधन के संबद्ध नियोजकों और श्रीमती रेशमा बेगम, कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय- हैदराबाद पंचाट (संदर्भ संख्या 135/2018) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 15/05/2024 को प्राप्त हुआ था।

[सं. एल-42012/80/2018-आईआर (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 17th May, 2024

**S.O. 969.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 135/2018) of the **Central Government Industrial Tribunal cum Labour Court—Hyderabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to

**The Deputy Director (Incharge), Central Institute of Unani Medicine, Erragadda, Hyderabad;M/s. Astha Security and Manpower Services, Habsiguda, Hyderabad, and Smt. Reshma Begum, Worker,** which was received along with soft copy of the award by the Central Government on 15/05/2024.

[No. L-42012/80/2018– IR (DU)]

DILIP KUMAR, Under Secy.

**ANNEXURE**

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, HYDERABAD**

Present: - **Shri Irfan Qamar,**  
Presiding Officer

Dated the 2<sup>nd</sup> day of April, 2024

**INDUSTRIAL DISPUTE No. 135/2018**

Between:

Smt. Reshma Begum,  
H.No.10-5-391/55/81/B, Sayad Nagar,  
Banjara Hills, Road No.12,  
Hyderabad – 500 034.

-- Petitioner

AND

1. The Deputy Director(Incharge)  
Central Institute of Unani Medicine,  
Opp. ESI Hospital, A.G. Colony Road,  
Erragadda, Hyderabad- 500 038.
2. M/s. Astha Security and Manpower Services,  
Flat No.202, 3<sup>rd</sup> Floor, Madusha Enclave,  
Street No.5, Habsiguda, Hyderabad – 500 007.

-- Respondents

Appearance:

For the Petitioner : Shri Ranjith Reddy, Advocate

For the Respondent : M/s. Ravinder Viswanath, Sr.Central Government Counsel

**AWARD**

This is a reference issued by the Government of India, Ministry of Labour and Employment, New Delhi vide order No. L-42012/80/2018-IR(DU) dated 3.10.2018 whereunder this Tribunal is required to adjudicate the dispute i.e.,

“Whether regularization of service is an industrial dispute under the I.D. Act, 1947, if so, whether the demand of 19 casual workers (as per list) working through various contractors for the last decade for regularization of service to Central Council for Research in Unani Medicine is legal and justified? If yes, what relief the casual workers of central Council for Research in Unani Medicine are entitled to and what directions are necessary in this case?”

After receiving the above said reference, it was registered as ID No. 135/2018 in this Tribunal and notices were issued to both the parties and secured their presence.

2. During the pendency of proceeding, Counsel for Petitioner filed an IA with the prayer to withdraw present industrial dispute case. Respondent has no objection. In view of prayer made by the Petitioner in IA and as well as ‘no objection’ by Respondent, IA allowed. Thus, industrial dispute is decided as withdrawn.

3. The reference is thus disposed of.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri and corrected by me on this the 2<sup>nd</sup> day of April, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the  
Petitioner  
NIL

Witnesses examined for the  
Respondent  
NIL

**Documents marked for the Petitioner**

NIL

**Documents marked for the Respondent**

NIL

नई दिल्ली, 20 मई, 2024

का.आ. 970.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मुख्य निर्वाचन पदाधिकारी, मुख्य निर्वाचन पदाधिकारी कार्यालय, भोपाल (म.प्र.), के प्रबंधन के संबद्ध नियोजकों और श्री रामकिशन चढार, कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह-श्रम न्यायालय, जबलपुर पंचाट (संदर्भ संख्या CGIT/LC/R/34/2022) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 17.05.2024 को प्राप्त हुआ था।

[सं. एल-42025-07/2024-101-आईआर (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 20th May, 2024

**S.O. 970.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/R/34/2022) of the **Central Government Industrial Tribunal cum Labour Court, Jabalpur** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Mukhya Nirvachan Padadhikari, Mukhya Nirvachan Padadhikari Karyalay, Bhopal (M.P), and Shri Ram kishan Chadhar, Worker**, which was received along with soft copy of the award by the Central Government on 17.05.2024.

[No. L-42025-07/2024-101- IR (DU)]

DILIP KUMAR, Under Secy.

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT,  
JABALPUR****NO. CGIT/LC/R/34/2022****Present: P.K.Srivastava****H.J.S..(Retd)****Shri Ramkishan Chadhar****R/o. H.No. 8/28, Bengali Colony****Panchsheel Nagar, Bhopal (MP) -462003****Workman****Versus****The Mukhya Nirvachan Padadhikari****Mukhya Nirvachan Padadhikari Karyalay,****17, Arera Colony, Post Box No.-1164****Bhopal (MP) - 462003****Management**

**(JUDGMENT)****(Passed on this 1<sup>st</sup> day of May 2024)**

As per letter dated 29/06/2022 by the Deputy Chief Labour Commissioner (Central) Jabalpur, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No. J-1(1-6)/2022-IR dt. 29/06/2022. The dispute under reference relates to:

“क्या श्री रामकिश चढ़ार कर्मकार को अनावेदक संस्थान मैसर्स मुख्य निर्वाचन पदाधिकारी कार्यालय, भोपाल (मध्य प्रदेश) द्वारा आवेदक को काम से निकाला जाना न्यायोचित है ? यदि नहीं, तो उक्त कर्मकार को कब से और किन लाभों के साथ नौकरी पर पुनः बहाल किया जाना चाहिए ?”

After registering a case on the basis of the reference, notices were sent to the parties and were served. The workman appeared and filed his Statement of Claim. Management also appeared but did not file any written statement of defense.

According to the workman, he was first appointed as a Driver in the office of The Chief Election Officer on 01.05.2019 to drive official vehicle MP02/AV1950 and MP02/AV1880. He worked continuously till 21.07.2021. He had maintained a logbook in which he used to enter the details of miles covered by him as a driver of these vehicles which was counter signed by the officers who used the vehicles. He was paid Rs. 13000/- per month as his wages. Deduction with respect to EPF Scheme and Insurance Scheme were also made by the employers i.e. the management. His attendance was recorded in the muster roll prepared by management. The management illegally terminated his services without any notice or compensation which is against Section 25-F, 25-G and 25-H of the Industrial Disputes Act 1947 (in short the ‘Act’). He raised a dispute which could not be resolved hence this reference. He has prayed his reinstatement with back wages and benefits and also be regularized as a driver.

Though management appeared in this case through its authorized representatives but none appeared for management thereafter and no written statement of defense was filed by management. Vide order dated 31.03.2024, the reference proceeded ex-parte against management.

In evidence the workman filed his affidavit. He further filed and proved photocopy documents office order dated 19.02.2020, 09.04.2021 Ex. W/1 & W/2, application sent by the workman to the Chief Election Officer on 09.12.2021 Ex. W/3, letter dated 01.11.2021 sent by M.P. Schedule Caste Commission to the management on the representation of the workman and other representation of the workman sent to the management on 13.08.2021 which are Ex. W/4 & W/5. The affidavit of the workman is un cross examined inspite opportunity given to management.

I have heard ex-parte management of learned Counsel for workman Shri Ashok Shrivastava and have gone through the record.

The reference itself is the issue for determination in the case in hand.

The first point to be considered is whether the work discharged by the workman is an incident of exercise of sovereign power exercised by the management i.e. the Chief Election Officer. Conducting election is no doubt an incident of exercise of sovereign power but taking the work of driver from a person can by no stretch of argument. Hence, the workman is held to be a workman as defined U/S. 2(j) of the Act.

Section 25-B, 25-G, 25-F and 25-H are being reproduced as follows:-

In his uncross examined affidavit, the workman has corroborated his case as mentioned above. The documents particularly Ex. W/1 and W/2 which are office orders issued by the Section Officer and Deputy Chief Election Officer corroborate the statement of the workman. Ex. W/1 is order in which the workman has been allotted a Government vacant for driving which is used by Joint Chief Election Officer. In Ex. W/2 also which is an office order, the name of the workman finds place at serial No. 38.

From the above evidence, the workman is held to have successfully proved his continuous engagement as a driver with the management for at least 240 days in every year till the date of his disengagement. Since, there is evidence on record inform of the uncontroverted affidavit of the workman to establish that he was not paid any notice or compensation, his disengagement by management is held in violation of the Act. Consequently, in the light of facts and circumstances of the case in hand, the workman is held entitled to be reinstated but without back wages. He is also held entitled to litigation cost computed at Rs. 10000/- to be payable to him by management within 30 days from date of publication of Award in Official Gazette, failing which interest @ of 8% p.a. from the date of Award till payment. Reference is answered accordingly.

**DATE:- 01/05/2024**

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 20 मई, 2024

का.आ. 971.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार अध्यक्ष/सीईओ, एरा इंफ्रा इंजीनियरिंग लिमिटेड, सेक्टर-62, नोएडा (यूपी); महाप्रबंधक, एनटीपीसी लिमिटेड, सीपत, बिलासपुर, के प्रबंधन के संबद्ध नियोजकों और अध्यक्ष, छत्तीसगढ़ कर्मचारी मजदूर एकता यूनियन, दयालबंद, बिलासपुर, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह-श्रम न्यायालय, जबलपुर पंचाट (संदर्भ संख्या CGIT/LC/R/63/2015) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 17.05.2024 को प्राप्त हुआ था।

[सं. एल-42011/57/2015-आईआर (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 20th May, 2024

S.O. 971.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/R/63/2015) of the **Central Government Industrial Tribunal cum Labour Court, Jabalpur** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Chairman /CEO, Era Infra Engineering Ltd., Sector-62, Noida (U.P.); The General Manager, NTPC Ltd., Sipat, Bilaspur, and The President , Chatisgarh Karmachari Mazdoor Ekta Union, Dayalbandh, Bilaspur**, which was received along with soft copy of the award by the Central Government on 17.05.2024.

[No. L-42011/57/2015– IR (DU)]

DILIP KUMAR, Under Secy.

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT,  
JABALPUR

NO. CGIT/LC/R/63/2015

Present: P.K. Srivastava

H.J.S.( Retd.)

The President

Chatisgarh Karmachari Mazdoor Ekta Union,

Dayalbandh, Bilaspur-495001

Workman

Versus

1. The Chairman /CEO

Era Infra Engineering Ltd.,

C-56/41, Sector-62

Noida (U.P.)-201301

2. The General Manager

NTPC Ltd., Sipat, PO-Ujjawal Nagar

Bilaspur - 495001

Management



**AWARD****(Passed on this 24<sup>th</sup> day of April, 2024.)**

As per letter dated 17/06/2015 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under Section-10 of I.D. Act, 1947 as per reference number L-42011/57/2015-IR(DU) dated 17/06/2015. The dispute under reference related to :-

**“Whether the management of Era Infra Engineering is justified in denying terminal dues to 26 contract workers as per schedule attached. If not what relief they are entitled to and from which date ?”**

After registering the case on reference received, Notices were sent to the parties and were duly served on them. They appeared and filed their respective statements of claim and defense.

The workman have filed their separate statements of claim through the president of the union which contain identical allegations which are mainly that they worked with the management of M/s. Era Infra Engineering and were working at the site of NTPC during the periods mentioned in the statements of claims and were disengaged from different dates mentioned without any notice or compensation. They were entitled to one month notice pay, compensation @ of 15 days salary for every year they worked, leave encashment, bonus and on paid salary mentioned in their statements of claims, which was not paid by the management of M/s. Era Infra Engineering nor was it paid by their principal employer the NTPC. They have requested that they be held entitled to payment of these dues from the management.

None of the managements filed any written statement of defense.

No evidence was filed by any of the parties.

The initial burden to prove the claim is on the workmen in which they have miserably failed by not adducing any evidence in support. Hence, holding the claim of the workmen not proved, the reference deserves to be answered against them and is answered accordingly. No order as to cost.

P.K. SRIVASTAVA, Presiding Officer

**DATE: 24/04/2024**

Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

नई दिल्ली, 20 मई, 2024

**का.आ. 972.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन एयरलाइंस लिमिटेड के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, हैदराबाद के पंचाट (पहचान संख्या 4/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17/05/2024 को प्राप्त हुआ था।

[सं. एल-20013/01/2024-आईआर (सी.एम-1)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 20th May, 2024

**S.O. 972.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**ID. No. 4/2010**) of the **Central Government Industrial Tribunal-cum-Labour Court, HYDERABAD** as shown in the Annexure, in the industrial dispute between the Management of **Indian Airlines Limited.** and their workmen, received by the Central Government on **17/05/2024.**

[No. L-20013/01/2024- IR (CM-I)]

MANIKANDAN. N, Dy. Director

**ANNEXURE**

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT  
HYDERABAD**

Present: - **Sri Irfan Qamar**

Presiding Officer

Dated the 14<sup>th</sup> day of February, 2024

**INDUSTRIAL DISPUTE L.C. No. 4/2010**

Between:

Sri V. Ravindra Kumar,

S/o Sri S. S Bivaiah,

L/178, Ramgopal Pet,

Secunderabad -3.

.....Petitioner

AND

The General Manager (Commercial),

Indian Airlines Limited., S.R.,

Chennai, Tamil Nadu State.

....Respondent

**Appearances:**

For the Petitioner : M/s. Ch. Indrasena Reddy &amp; D. Vilas, Advocates

For the Respondent : M/s. V. Uma Devi &amp; N. Srinivas, Advocates

**AWARD**

Sri V. Ravindra Kumar who worked as Coal Filler (who will be referred to as the workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondents Indian Airlines Limited, Chennai seeking for declaring the proceeding dated 11.2.2015 issued by Respondent as illegal, arbitrary and to set aside the same consequently directing the Respondents to reinstate the Petitioner into service duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deems fit.

**2. The averments made in the petition in brief are as follows:**

It is submitted that, the Petitioner joined the service of the respondent organization and put in continuous and unblemished record of service till he was illegally removed from service by the respondent vide order dated 11.02.2005. It is further submitted that while removing him from service, the respondent has not considered his past conduct, length of service and gravity of misconduct alleged to have been proved against him, but imposed the capital punishment of removal from service, which is shockingly disproportionate and do not commensurate with the gravity of misconduct alleged to have been proved against him. It is submitted that he was issued with a charge sheet dated 31.12.2008 alleging that he has absented to his duties unauthorizedly for about 511 days on 23 occasions during the period from 07.03.2002 to 31.10.2003. That he has submitted his detailed explanation to the charge sheet denying the charges leveled against him explaining that due to his ill-health only he was compelled to absent to his duties. It is submitted that for the alleged period of absence only ill-health is the cause. It is further submitted that he informed about his ill-health to his higher officials of the respondent organization and the higher officials know about the same and considering his health condition on several occasions his higher officials also granted leave orally. But the said period was treated unauthorized absenteeism. Therefore, the petitioner submitted that the issuance of charge sheet itself is illegal, unjust and contrary to the law, since for the alleged period of absenteeism there was reasonable cause and the same was considered by the higher officials working under the respondent. Therefore, the said absenteeism does not constitute any misconduct. Therefore, for no misconduct, the petitioner was issued with a charges sheet, and the issuance of charge sheet itself is illegal. It is submitted that the entire action taken by the respondent against the him in removing him from service basing on the illegal charge sheet itself is illegal, unjust, contrary to law and unsustainable in the eye of law. Therefore, the said removal order passed by the respondent is liable to be set aside on this ground alone. It is further submitted that without considering his explanation to the charge sheet, the respondent has ordered for an enquiry into the alleged charges and a stage managed enquiry was conducted, wherein the petitioner was denied all the reasonable opportunities at every stage of enquiry. It is submitted that during the course of enquiry also the petitioner gave his statement denying the charges leveled against him as false, incorrect and baseless and explained actual facts and circumstances for the alleged period of unauthorized absenteeism and the statement of the petitioner was unchallenged and un rebutted. It is submitted that during the course of enquiry also he has submitted 15 medical and sick certificates for the period from 16.03.2002 to 10.05.2003 and the said certificates were marked as Ex.D.El to Ex.D.E15 in the enquiry. It is submitted that the said medical and sick certificates were admitted by the presenting officer on behalf of the respondent and the said documents were taken on record. Whereas the Enquiry Officer while submitting his report has not at all considered the said medical and sick certificates produced by the petitioner and he simply treated the alleged charge sheeted period as unauthorized absenteeism. It is further submitted that during the course of enquiry and in his explanation to the charge sheet he has categorically stated that because of health problem only he was constrained to absence to his duties and the said absenteeism was

beyond his control, for which, he also submitted medical and sick certificates to the respondent and the said certificates were admitted by the respondent, therefore, the petitioner submits that the findings of the enquiry officer are based on mere surmises and conjectures as he has not at all considered the medical and sick certificates and the facts and circumstances for the absence of the petitioner during the charge sheeted period. Therefore, the findings of the enquiry officer are perverse, one sided, illegal and contrary to the material on record. It is submitted that the entire enquiry conducted by the enquiry officer is liable to be vitiated for the reasons stated above. It is further submitted that after the enquiry was conducted, a show cause notice was issued to the petitioner on 30.07.2004 proposing the capital punishment of removal from service, for which also the petitioner has submitted his explanation once again denying the charges leveled against him as false, incorrect and baseless and also pointed out the material irregularities committed by the Enquiry Officer and without considering the same the respondent has passed final order of removal from service by accepting the perverse findings of the enquiry officer in toto. Therefore, the removal order passed by the respondent is illegal, unjust and contrary to law. He submitted that as per the Circulars issued by respondent from time to time, an employee avail leave by a leave letter or by Phone informing the authorities about his absence and the same cannot be leave by a leave letter or by constituted unauthorized absence. It is submitted that for the alleged period petitioner has informed the Respondent authorities about his sickness requested for leave and the same was sanctioned by the authorities orally. But respondent after about 2 years the petitioner was charge sheet issued with alleging that he was period mentioned unauthorizedly absented for the alleged in the charge sheet, which was already sanctioned by the respondent authorities orally, whenever the petitioner same due to his requested for the health problem. Therefore, the entire action taken by the respondent in removing the petitioner from service for no misconduct is illegal, unjust, contrary to law and contrary to the Circulars issued by the respondent authorities from time to time. It is submitted that after he was illegally removed from the service, he also preferred an appeal to the Executive Director (SR) and the same was rejected by him on 16.04.2009 on untenable grounds and while rejecting his appeal the appellate authority not considered the appeal as well as actual facts and circumstances of the case and in a routine manner, the appeal of Petitioner was rejected by the Appellate Authority, hence the removal orders passed by the respondent, which were confirmed by the appellate authority is illegal, unjust and contrary to law. The petitioner reiterates that he has not committed the alleged misconduct nor intention on his part there was any malafide to cause any loss to the respondent. It is submitted that the respondent has retained so many employees into service even though they have committed serious misconduct, but the petitioner alone was thrown on streets for no misconduct. Therefore, the action taken by the respondent amounts to discrimination, arbitrary, illegal and colourable exercise of powers. It is further submitted ever since from the date of his illegal removal from service, he remained unemployed and could not secure any alternative employment in spite of his best and honest efforts and he is the only earning member in his family and due to the illegal removal orders passed by the respondent for no misconduct, not only himself, but his entire family was thrown on the streets in these hard days for no fault of them. It is further submitted that now he has recovered from his ill-health and he is perfectly fit to perform his duties. Therefore, the petitioner prayed to set aside the removal orders dated 11.02.2005 passed by the respondent holding the same as illegal and arbitrary and grant him the relief of reinstatement into service with full back wages, continuity of service and all other attendant benefits, in the interest of justice.

**3. The Respondents filed counter denying the averments made in the petition, with the averments in brief which runs as follows:**

It is submitted that the petitioner joined the service of the erstwhile Indian Airlines at Hyderabad as a Helper (commercial) on 21.11.1989 and was carrying out functions in that capacity. It is totally false and incorrect that the petitioner had put in unblemished record of service till he was removed from service vide an order dated 11.2.2005. The petitioner has been absenting from duties even during the probationary period after joining the service of erstwhile Indian Airlines on 21.11.1989 and therefore his probationary period was extended by three months w.e.f. 21.5.1990 on account of unsatisfactory performance and bad attendance. Subsequent to the confirmation in service as a Helper in Commercial Department, the petitioner continued to remain absent unauthorizedly and in the year 1991, he had absented for 41 days on 10 occasions. A charge sheet was issued to him under the Standing Orders concerning Discipline and Appeals applicable to him and after holding a Departmental Enquiry he was awarded with the punishment of Reduction "in time scale by two stages for one year w.e.f. 1.1.1993". It is further submitted that the petitioner, inspite of being punished for absenting in the year 1991, had continued to absent from duties even in the year 1992. He had absented without leave and unauthorizedly for 84 days on 25 occasions in the year 1992. He was again issued with a charge sheet and after holding a departmental enquiry, he was issued with a show cause notice by the Commercial Manager, Southern Region, Chennai, vide letter dated 12.8.1993 proposing to impose the punishment of "Removal from the service of the Corporation". The petitioner had pleaded for mercy on humanitarian grounds and therefore, the proposed punishment was changed to "Reduction in time scale by two stages with cumulative effect from 1.11.1993" and communicated to him vide letter No. 5.10.1993 of Commercial Manager, Chennai. It is further submitted that the petitioner was remaining absent on and of during the subsequent period also. He had again absented from duties for 63 days on 21 occasions during the year 2000 without prior permission and intimation to the office. The Station Manager, Hyderabad who was the Disciplinary Authority in respect of the workman had, however, taken a lenient view and advised him to improve his attendance vide letter dated 20.10.2000 with a view to give him an opportunity to show improvement in his attendant and performance. The petitioner had

again continued to remained absent during the subsequent period also and he had absented from duties for 42 days during the period from 1.11.2000 to 19.3.2001. He was again advised to show improvement in his attendance but it was of no use and the petitioner continued with his habit of absenting from duties without prior permission. It is further submitted that the petitioner had again absented unauthorizedly for 109 days on 24 occasions during the period from May, 2001 to March, 2002 for which he was issued with a charge sheet dt. 18.3.2002. An enquiry was held into the charges leveled against him and the disciplinary authority had issued again a Show Cause Notice dt. 29.1.2003 proposing to impose the punishment of "Removal from service" and the petitioner had again pleaded for mercy and sympathetic consideration. The Disciplinary Authority had once again taken a lenient view and decided to give a final opportunity to him, changed the proposed punishment of removal from service to a "Reduction to the post of Helper (commercial) in the scale of Rs.2860-3700 with basic pay at Rs. 2860/- w.e.f. 9.6.2003" vide order dated. 31.5.2003. It is submitted that the petitioner did not deserve any more sympathetic consideration as he had been a habitual absentee right from time he joined in the service as erstwhile Indian Airlines as is evident from the facts stated above. The petitioner had remained absent unauthorizedly for 511 days on 23 occasions during the period from 7.3.2002 to 31.10.2003 which had finally resulted in passing the impugned order dt. 11.2.2005 by the General Manager (Commercial) Chennai awarding the punishment of removal from the service of the company with immediate effect. It may be seen from the facts stated above that the past conduct of the petitioner was very unsatisfactory and the gravity of misconduct alleged against him vide the above chargesheet dt. 31.12.2003, where he had unauthorizedly absented from duties for 511 days on 23 occasions during the period from 7.3.2002 to 31.10.2003 was very grave in nature and the petitioner had failed to show any justifiable reason for such a long absenteeism. He was working in the Commercial Department as a Helper and the duties assigned to the Helper in the Commercial Department includes attending the traveling public in the airport and working in shifts. Absenteeism of Helpers working in Commercial Department like the petitioner results in hampering the working pattern of the category of Helpers who work in cycle shifts i.e. morning, general and afternoon shifts and also in the night shifts. The unauthorized absenteeism of the petitioner had adversely affected the working pattern of the Commercial Department and the working schedules of his co-workers were also disturbed as they were required to carry out the functions which are allocated to him in the normal course of functioning of the Department. The impugned order of punishment of removal from service for the misconduct of unauthorized absence for 511 days was, therefore, very much justifiable and in commensurate with the gravity of the misconduct especially seen against the past record on earlier occasions vide letters dt. 12.8.1993 and 29.1.2003. Therefore the punishment of removal from service was shockingly disproportionate and is not commensurate with the gravity of misconduct, are totally false and untenable. There is no provision in the regulations for grant of leave on the basis of such oral communications, and no official of the respondent company is vested with the powers to grant any leave orally. Any leave should be applied for in a proper format in the leave card in writing for grant of the same and it should be sanctioned by the authority. There was no justification for the said period of unauthorized absence of the petitioner for 511 days on 23 occasions in a span of one year seven months i.e. from March, 2002 to October, 2003 and the averments made by the petitioner are, therefore, totally false. It is submitted that the Service Regulations relating to grant of leave are also published in the Official Gazette of India on 12.3.1960 and were amended from time to time thereafter. The Service Regulations pertaining to the grant of various types of leave as contained in chapter VIII of the Indian Airlines (General Employees) Service Regulations are applicable to the petitioner. The Service Regulation 128 provides for grant of sick leave to an employee to extent of 20 days on half pay or 10 days on full pay for each calendar year. Service Regulation 131 lays down the condition that sick leave for a period exceeding 2 days shall be supported by medical certificate issued either by the Medical Officer of the company or a Medical Practitioner Allopathetic system of Medicine, duly approved by the company. The relevant Service Regulations applicable to the petitioner as stated above are extracted hereunder.

#### **Indian Airlines (General Employees) Service Regulations:-**

**SR 128. SICK LEAVE:** *An employee shall be eligible for sick leave of 20 days on half pay which may be commuted to 10 days on full pay for each Calendar Year. Sick leave may be accumulated upto 120 days with full pay and may be availed of on half pay for double the period i.e., upto 240 days.*

**SR 131.** *Sick leave for a period exceeding two days shall be supported by Medical Certificate from either the Medical officer of the Corporation or a Medical Practitioner (of Allopathic System of Medicine) duly approved by the Corporation.*

The charge sheet issued by the company to the petitioner was based on the records maintained by the Time Office of the company and the allegations made against the petitioner were proved on the basis of such records. The allegation made by the petitioner stating that the charge sheet was illegal and unjust, is therefore not sustainable and the action taken by the respondent company on the basis of the enquiry conducted as per the standing orders and the established procedure was well justified and there was no infirmity in the enquiry proceedings as alleged by the petitioner. It is submitted that the sickness of the Petitioner was not supported by any documentary proof and he had absented for longer durations on various occasions during the said period of absenteeism for 511 days on 23 occasions as shown in charge sheet. When the rules pertaining to grant of sick leave clearly specify that sickness beyond two days shall be supported by a medical certificate issued by the Company Medical Officer or any Medical Practitioner approved by

the Company, the Petitioner remained absent without prior permission or intimation for longer durations such as 32 days, 84 days, 29 days, 91 days and 125 days on each occasion during the period as referred in the charge sheet. It is submitted that the enquiry was conducted following the principles of natural justice. Enquiry Officer had considered all the documents and other exhibits submitted by the Petitioner and also the records produced by the Presenting Officer of the company and he had arrived at the finding independently on the basis of the evidence available on record. The Enquiry Officer had clearly held that the petitioner had not applied for leave and had failed to get his absence regularized by obtaining sanction of leave by the competent authority. The petitioner has no ground to allege that the entire enquiry conducted by the Enquiry Officer is liable to be vitiated since the enquiry was held in a fair manner extending all the opportunities to the petitioner for defending his case. There are no irregularities or infirmities whatsoever in the course of the enquiry. It is submitted that the Appellate Authority has considered all the facts and circumstances relating to the case and did not find any merit in the appeal made by the petitioner and therefore he had decided not to interfere with the punishment imposed on the petitioner by the Disciplinary Authority. Having regard to the gravity of misconduct where the petitioner had absented unauthorizedly for 511 days and also the past adverse record, the Appellate Authority had rejected the Appeal of the petitioner and passed orders accordingly which were communicated to the petitioner vide letter No. MAA/PER/IR/312 dt. 17.4.2009. It is submitted that subsequent to the imposition of punishment on the petitioner vide the impugned order, the same was placed before the Hon'ble National Industrial Tribunal, Mumbai vide Approval Application No. NTB-08 of 2005 under Section 33(2)(b) of the Industrial Disputes Act. The Hon'ble Tribunal had held the proceedings in the above case and the above petitioner had appeared before the Tribunal and filed his written submissions against the application filed by the Respondent Company. The Hon'ble National Industrial Tribunal after having considered the petition filed by the Respondent Company and also the written submissions and oral representations made by the above petitioner, had passed orders on 2.5.2006 granting approval for the action taken by the Respondent Company in passing the impugned removal dated order 11.2.2005. Hence prayed to dismiss the claim of the Petitioner as devoid of merits.

5. The respondent has submitted written arguments u/s 11A of the Industrial Disputes Act, 1947, but despite the sufficient opportunity granted to the petitioner, he did not adduce either oral or written argument.

**6. On the basis of the pleadings of both parties and arguments advanced, the following points emerge for determination:-**

- I. Whether the Departmental Enquiry held against the Petitioner is legal and valid?
- II. Whether the action of Respondent Management vide order dated 11.2.2005 in terminating the services of the Petitioner Sri V. Ravinder Kumar, Helper (Commercial) is legal and justified?
- III. To what relief is the Petitioner entitled?

**Findings:-**

7. **Point No. I:-** The Departmental Enquiry has been held legal and valid vide order dated 9.2.2017.

Thus, Point No. I is answered accordingly.

8. **Point No. II:-** The perusal of the record goes to reveal that the Petitioner has been terminated from the service vide order dated 11.2.2005 passed by Respondent Management on the ground of misconduct of habitual absenteeism from the duty unauthorizedly for 511 days during the period from 7.3.2002 to 31.10.2003. Petitioner submitted that he was issued with a charge sheet dated 31.12.2003 alleging that he has absented to his duties unauthorizedly for about 511 days on 23 occasions during the period from 7.3.2002 to 31.10.2003 and he has submitted his detailed explanation to the charge sheet denying the charges levelled against him as false, incorrect and baseless and he also explained that due to his ill-health only he was compelled to absent to his duties. It is submitted that for the alleged period of absence there was a reasonable cause and the said reasonable cause was only ill-health. Further, the Petitioner submits that he also informed about his ill-health to his higher officials of the respondent organization and the higher officials know about the same and considering his health condition on several occasions his higher officials also granted leave orally. But the said period i.e., 7.3.2002 to 31.10.2003 was treated unauthorized absenteeism by the Respondent. Petitioner submitted that the issuance of charge sheet itself is illegal, unjust and contrary to the law, since for the alleged period of absenteeism there was for reasonable cause and the same was considered by the higher officials working under the respondent and the said absenteeism does not constitute any misconduct. Therefore, petitioner prayed that the entire action taken by the respondent against the him in removing him from service basing on the illegal charge sheet itself is illegal, unjust, contrary to law and unsustainable in the eye of law and prayed to set aside on this ground only.

9. On the other hand, Respondent contended that it is totally false and incorrect that the Petitioner has put in unblemished records of service and he was removed from the service vide order dated 11.2.2005. The Petitioner had been absented from his duties even during the probationary period after joining the service of the erstwhile Indian Airlines on 21.11.1989 and therefore, his probationary period was extended by three months w.e.f. 21.5.1990 on account of unsatisfactory performance and bad attendance. Respondent contended that subsequent to the confirmation



in service as a Helper in Commercial Department, the petitioner continued to remain absent unauthorizedly in the year 1991, again he had absented for 41 days on 10 occasions and he was awarded with the punishment of Reduction "in time scale by two stages for one year w.e.f. 1.1.1993". Respondent further contended that inspite of being punished for absenting in the year 1991, had remained absent from duties even in the year 1992 without leave and unauthorizedly for 84 days on 25 occasions in the year 1992, he was issued with a charge sheet and after holding a departmental enquiry, he was issued with a show cause notice by the Commercial Manager, Southern Region, Chennai, vide letter dated 12.8.1993 proposing to impose the punishment of "Removal from the service of the Corporation". The petitioner had pleaded for mercy on humanitarian grounds and therefore, the proposed punishment was changed to "Reduction in time scale by two stages with cumulative effect from 1.11.1993". Further Respondent contended that petitioner had been remaining absent on and off during the subsequent period also. He had again absented from duties for 63 days on 21 occasions during the year 2000 without prior permission and intimation to the office. The Station Manager, Hyderabad who was the Disciplinary Authority in respect of the workman had, however, taken a lenient view and advised him to improve his attendance vide letter dated 20.10.2000 with a view to give him an opportunity to show improvement in his attendant and performance. The petitioner had again continued to remained absent during the subsequent period also and he had absented from duties for 42 days during the period from 1.11.2000 to 19.3.2001. He was again advised to show improvement in his attendance but it was of no use and the petitioner continued with his habit of absenting from duties without prior permission. It is further submitted that the petitioner had again absented unauthorizedly for 109 days on 24 occasions during the period from May, 2001 to March, 2002 for which he was issued with a charge sheet dt. 18.3.2002. An enquiry was held into the charges leveled against him and the disciplinary authority had issued again a Show Cause Notice dt. 29.1.2003 proposing to impose the punishment of "Removal from service" and the petitioner had again pleaded for mercy and sympathetic consideration. The Disciplinary Authority had once again taken a lenient view and decided to give a final opportunity to him, changed the proposed punishment of removal from service to a "Reduction to the post of Helper (commercial) in the scale of Rs. 2860-3700 with basic pay at Rs. 2860/- w.e.f. 9.6.2003" vide order dated 31.5.2003.

10. Further, Respondent contended that Petitioner had remained absent for 511 days on 23 occasions during the period from 7.3.2002 to 31.10.2003 which had finally resulted in passing the impugned order dt. 11.2.2005 by the General Manager (Commercial) Chennai awarding the punishment of removal from the service of the company with immediate effect.

11. In view of the submissions of both the parties and from the perusal of the record it is admitted fact that the Petitioner remained absent unauthorizedly from duty for 511 days during the period from 7.3.2002 to 31.10.2003. Whatever Respondent has contended about the past habitual misconduct of absenteeism of the Petitioner in his counter and submissions that has not been countered or controverted by the Petitioner by his pleadings or any other evidence. Thus, the contention of the Respondent regarding habitual misconduct of absenteeism is accepted as true. However, Petitioner has taken the plea that due to his ill-health only he was compelled to absent from his duties and he also informed about his ill-health to the higher officials of the Respondent the higher officials knows about his health condition on several occasions and also granted leave orally. But the said period was treated as unauthorized absence. After conducting the enquiry in fair manner the Petitioner has been found guilty of the charge in breach of the Indian Airlines General Employees Service Regulations which reads as follows:-

#### **Indian Airlines (General Employees) Service Regulations:-**

**SR 128. SICK LEAVE:** *An employee shall be eligible for sick leave of 20 days on half pay which may be commuted to 10 days on full pay for each Calendar Year. Sick leave may be accumulated upto 120 days with full pay and may be availed of on half pay for double the period i.e., upto 240 days.*

**SR 131.** *Sick leave for a period exceeding two days shall be supported by Medical Certificate from either the Medical officer of the Corporation or a Medical Practitioner (of Allopathic System of Medicine) duly approved by the Corporation.*

The perusal of the enquiry proceeding goes to reveal that in support of the charge sheet Management has produced documents ME.1, ME.2 and ME.3 proved by examining Management witness. ME.1 showing muster rolls of the Commercial Department pertaining to the charge sheeted employee for the period from 7.3.2002 to 2.2.2003 and ME.2 showing the leave card of the charge sheeted employee for the year 2002 to 2003 which shows the blank without any entry and ME.3 letter dated 23.12.003 showing Petitioner's absence from duty for 511 days on 23 occasions. The Documents pertaining to charge sheeted employee would show that charge sheeted employee was unauthorizedly absent from duty without prior sanction of leave for 511 days on 23 occasions during the period from 7.3.2002 to 31.10.2003. Further, it would show that charge sheeted employee has availed the leaves as remaining absent without prior sanction / intimation and approval from authority during the year 2002-2003, he did not apply to authority to regularize his absence from duty for said period. ME.2 leave card is totally blank. ME.3 is the absenteeism report of charge sheeted employee in which reveals that on number of occasions charge sheeted employee remained absent from duty in total for 511 days on 23 occasions during the period in question. The service regulation of general employees of Indian Airlines do not permit oral leave sanctions. As per regulations

more than two days sick leave, application should be supported by Medical certificate from either Medical Officer of corporation or Medical Practitioner of allopathic system approved by corporation. But the Petitioner has not submitted any medical certificate as per regulations of service. The documents submitted by the charge sheeted employee during the enquiry are prescriptions of his illness from private Doctors. It does not specifies whether the medical practitioner who has issued this prescription is approved by the Corporation or not as per rule. Therefore, the Petitioner do not find support from these documents. However, during the enquiry, the Petitioner has deposed that because of his frequent sickness he could not apply for leave and further, Petitioner admits that, he has gone through the absenteeism report and confirm the same. Further, charge sheeted employee has submitted that, "Due to incomplete medication i.e., CPAP machine (Oxygen producing machine) which was supplied by Dy. GM (Medical) that is the reason I could not attend my duty regularly." Thus, from the above statement of the charge sheeted employee, in the enquiry he himself admitted fact that he was absent for 511 days during the period in question as stated in the charge sheet and he did not apply for leave during the absenteeism period of 511 days as per service regulations.

12. Thus, it is established that Petitioner has not submitted any medical certificate from Medical Officer of the Corporation or medical practitioner duly approved by the Corporation as per regulation. Further, it is established that the Petitioner remained absent from duty for 511 days during the period 7.3.2002 to 31.10.2003 and he did not get regularize his absenteeism by moving any leave application before the competent authority as per regulation of general employee of corporation. Thus, the plea off the Petitioner that due to illness he could not attend the duty is not acceptable.

13. As regards the disproportionment of punishment of removal of Petitioner for misconduct of absenteeism from duty, the Petitioner had been habitual of remaining absent from duty in past on number of occasions since his probationary period after joining the service. He was advised and given ample opportunity number of times to improve his attendance on duty, but he did not pay heed to the advise of the Respondent Management and habitually continued to commit the misconduct of absenteeism from duty. Thus, keeping in view chronic behaviour of absenteeism and habitual conduct of the Petitioner, the Respondent was left with no option except to pass removal order of the Petitioner from service.

Here I would like to make reference of decisions of the Hon'ble Apex Court in the matter of habitual conduct of absenteeism from duty of the employee as the Hon'ble Apex Court has laid down that such habitual misconduct of absenteeism from duty is a grave misconduct and punishment of removal of the employee from service in such matter is appropriate punishment.

**1. In State of U.P. V. Ashok Kumar Singh 1996 (1) SCC 302, the Apex Court have held:-**

*"Having notices the fact that the first respondent has absented himself from duty without level on several occasions, we are unable to appreciate the High Court's observation that 'his absence from duty would not amount to such a grave charge. Even otherwise on the facts of this case, there was no justification for the High Court to interfere with the punishment holding that 'the punishment does not commensurate with the gravity of the charge' especially when the High Court concurred with the findings of the Tribunal on facts. No case for interference with the punishment is made out."*

**2. In North Eastern Karnataka R.T. Corpn. v. Ashappa decided on 12 May, 2006 Apex Court have held:-**

*"Remaining absent for a long time, in our opinion, cannot be said to be a minor misconduct. The Appellant runs a fleet of buses. It is a statutory organization. It has to provide public utility services. For running the buses, the service of the conductor is imperative. No employer running a fleet of buses can allow an employee to remain absent for a long time. The Respondent had been given opportunities to resume his duties. Despite such notices, he remained absent. He was found not only to have remained absent for a period of more than three years, his leave records were seen and it was found that he remained unauthorisedly absent on several occasions. In this view of the matter, it cannot be said that the misconduct committed by the Respondent herein has to be treated lightly."*

**3. In Delhi Transport Corporation v. Sardar Singh [(2004) 7 SCC 574], the Apex Court held:**

*"11. Conclusions regarding negligence and lack of interest can be arrived at by looking into the period of absence, more particularly, when same is unauthorised. Burden is on the employee who claims that there was no negligence and/or lack of interest to establish it by placing relevant materials. Clause (ii) of para 4 of the Standing Orders shows the seriousness attached to habitual absence. In clause (i) thereof, there is requirement of prior permission. Only exception made is in case of sudden illness. There also conditions are stipulated, non-observance of which renders the absence unauthorised."*

**4. In State of U.P. v. Sheo Shanker Lal Srivastava and Others [(2006) 3 SCC 276], Hon'ble Apex Court have held:-**

*"the Industrial Courts or the High Courts would not normally interfere with the quantum of punishment imposed upon by the Respondent stating: 'It is now well-settled that principles of law that the High Court or the Tribunal in*



*exercise of its power of judicial review would not normally interfere with the quantum of punishment. Doctrine of proportionality can be invoked only under certain situations. It is now well-settled that the High Court shall be very slow in interfering with the quantum of punishment unless it is found to be shocking to one's conscience."*

5. In **Management Coal India Ltd. v. Mukul Kumar Choudhary Civil Appeal 5762-5763 of 2009 decided on 24.08.2009**, Hon'ble Apex Court laid down the test of proportionality of punishment and held:-

*"One of the test to be applied while dealing with the question of punishment would be: would any reasonable employer have imposed such punishment in like circumstances? Obviously, a reasonable employer is expected to take into consideration measure, magnitude and degree of misconduct and all other relevant circumstances and exclude irrelevant matters before imposing punishment."*

6. In the case of **Maharashtra State Road Transport Corporation Vs. Dilip Uttam Jayabhay, the 2022 LLR page 126**, wherein the Hon'ble Apex Court held:

*"once the enquiry finding is held to be fair and proper, industrial Tribunal or Labour Court lacks jurisdiction to interfere with the quantum of punishment unless the same is shockingly disproportionate to the gravity of conduct."*

Therefore, in view of the fore gone discussion and law laid down by the Hon'ble Apex Court as discussed above the conduct of Petitioner remaining absent from duty unauthorizedly for 511 days during the period from 7.3.2002 to 31.10.2003 is nothing but a grave and serious misconduct which is not excusable or pardonable and that can not be said as shocking to conscience and thus, not disproportionate to the gravity of Petitioner's conduct. Therefore, I am of the considered opinion that there is no occasion to interfere in the finding of Disciplinary Authority of removal order of the Petitioner from service.

14. Further, the Petitioner has taken the plea that ever since from the date of removal, he remained unemployed and could not secure any alternative employment inspite of his best and honest efforts and he is the only earning member of his family and due to his removal his entire family has been suffering for no fault. In this regard Respondent has contended that the plea of the Petitioner can not be considered in a positive manner as the Petitioner was a chronic absentee during the entire period of his service ever since he has joined the Respondent organization i.e., from 21.11.1989. He has not shown any improvement inspite of being awarded punishments, hence it is found that there was no scope of re-consideration in the case of Petitioner and hence the impugned order was passed by the Respondent organization. Further, Respondent submits that the imposition of the punishment on the Petitioner vide impugned order No. MAA/GMC/ADMN/1032 dated 11.2.2005, the same was placed before the National Industrial Tribunal, Mumbai vide application No. NTB-08 of 2005 under Sec.33(2)(b) of I.D. Act, 1947 and the Hon'ble Tribunal have held the proceedings in the above case and the Petitioner had appeared before the Tribunal and filed his written submissions against the application filed by the Respondent Corporation. Hon'ble National Industrial Tribunal after having considered the petition filed by the Respondent Corporation and also the written submissions and oral representations made by the Petitioner, had passed order on 2.5.2006 granting approval for the action taken by the Respondent Company in passing removal order dated 11.2.2005. However, in view of the above, the plea of the Petitioner against the imposition of the punishment of removal is not tenable. Further, the imposition of the punishment of removal of Petitioner from service can not be said to be shocking to one's conscious as it can not be said that the imposition of the order was perverse or based on no evidence. Thus, in view of the fore gone discussion and facts and circumstances of the case and the law laid down by the Hon'ble Apex Court as discussed above, I am of the view that the action of the Respondent in removing the Petitioner from service is justified.

Thus, Point No. II is answered accordingly.

**15. Point No. III:** In view of the fore gone discussion and finding given at Points No. I & II, the Workman is not entitled to get any relief, hence, petition is liable to be dismissed.

Thus, Point No. III is answered accordingly.

#### **AWARD**

In view of the fore gone discussion and finding as above, it is held that the action of the Management of Indian Airlines Limited, Southern Region in removing the Petitioner Sri V. Ravinder Kumar, Helper(Commercial) from service is justified. Hence, Petitioner is not entitled to any relief as prayed for. Petition is dismissed.

Award is passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her, corrected and signed by me on this the 14<sup>th</sup> day of February, 2024.

IRFAN QAMAR, Presiding Officer

#### Appendix of evidence

Witnesses examined for the  
Petitioner  
NIL

Witnesses examined for the  
Respondent  
NIL

**Documents marked for the Petitioner**

NIL

**Documents marked for the Respondent**

NIL

नई दिल्ली, 20 मई, 2024

**का.आ. 973.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एयर इंडिया लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय**, हैदराबाद के पंचाट (पहचान संख्या 120/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17/05/2024 को प्राप्त हुआ था।

[सं. एल-11012/28/2015-आईआर (सी.एम-1)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 20th May, 2024

**S.O. 973.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**ID. No. 120/2015**) of the **Central Government Industrial Tribunal-cum-Labour Court, HYDERABAD** as shown in the Annexure, in the industrial dispute between the Management of **Air India Ltd.** and their workmen, received by the Central Government on **17/05/2024**.

[No. L-11012/28/2015- IR (CM-I)]

MANIKANDAN. N, Dy. Director

**ANNEXURE****IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT  
HYDERABAD**Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 27<sup>th</sup> day of March, 2024**INDUSTRIAL DISPUTE No. 120/2015**

Between:

Sri M. Shiv Kumar,

S/o Late Sir M. Swamy,

H.No. 15/A, Vijayanagar Colony, Picket,

Secunderabad – 500 028.

.....Petitioner

AND

1. The CMD,

Air India Ltd., Airlines House,

113, Gurudwara Rakabganj Road,

New Delhi- 110 001.

2. The Dy. General Manager (Pers)

Air India Ltd., Engineering Complex,

Begumpet,

Hyderabad -500 016.

3. The Regional Director,  
Air India Ltd.,  
Chennai.

... Respondents

Appearances:

For the Petitioner : M/s. A. Nagendra Rao, S. Dev Raj & K. Naga Raju Rao, Advocates  
For the Respondent : None

#### AWARD

The Government of India, Ministry of Labour by its order No.L-11012/28/2015-IR(CM-I) dated 2.11.2015 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of Air India Ltd., and their workman. The reference is,

#### SCHEDULE

“Whether the action of the Management of Air India Ltd., Hyderabad in not regularizing the services of Sri M. Shiv Kumar S/o Late Sri M. Swamy in the post of Helper (Canteen) is justified? To what relief is the workman is entitled to?”

The reference is numbered in this Tribunal as I.D. No. 120/2015 and notices were issued to the parties concerned and Petitioner filed claim statement.

2. Respondent set ex-parte as no counter filed after giving several opportunities.

3. After filing claim statement Petitioner remained absent. Despite sufficient opportunity accorded to him, the Petitioner did not adduce any evidence to substantiate his claim. Perused the record. Since the Petitioner has not substantiated his claim by any evidence, therefore, a ‘no-claim’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 27<sup>th</sup> day of March, 2024.

IRFAN QAMAR, Presiding Officer

#### Appendix of evidence

Witnesses examined for the  
Petitioner  
NIL

Witnesses examined for the  
Respondent  
NIL

#### Documents marked for the Petitioner

NIL

#### Documents marked for the Respondent

NIL

नई दिल्ली, 21 मई, 2024

**का.आ. 974.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेडिकल एजुकेशन एंड रिसर्च (पीजीआईएमईआर) छाबड़ा एंड कंपनी के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह - श्रम न्यायालय नंबर 1, चंडीगढ़ के पंचाट (संदर्भ संख्या 49/2018) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12/05/2024 को प्राप्त हुआ था।

[सं. एल-20013/01/2024-आईआर (सी.एम-1)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 21st May, 2024

**S.O. 974.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 49/2018) of the **Central Government Industrial Tribunal-cum-Labour Court No. 1, Chandigarh** as shown in the Annexure, in the industrial dispute between the Management of **Medical Education & Research (PGIMER) Chhabbra & Company** and their workmen, received by the Central Government on **12/05/2024**.

[No. L-20013/01/2024—IR (CM-I)]

MANIKANDAN. N, Dy. Director

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,  
CHANDIGARH.**

**Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.**

ID No. 49/2018

Registered on:- 29.05.2018

Sh. Mehar Singh, S/o Sh. Hardayal Singh, H.No. 321, Milk Colony, Dhanas, Chandigarh.

.....Workman

**VERSUS**

1. Post Graduate Institute of Medical Education & Research (PGIMER) Sector 12, Chandigarh.

2. M/s Chhabra & Company, C/o Shop No. 21-22, Vill. Badheri, Sector 41, Chandigarh.

.....Managements

**AWARD**

**Passed On:-24.04.2024**

1. The workman Mehar Singh has directly filed statement of claim under section 2-A of the Industrial Disputes Act, 1947 (hereinafter called the Act), with a prayer to reinstate the workman with full back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for cross-examination of workman. The AR of workman made a statement that he may be allowed to withdraw the present case as the workman Mehar Singh has died about four years back according to his information, which is recorded separately.
3. Since there is no application moved by the LR's of the deceased-workman therefore, there is no need to proceed with the case further. Hence, the present case is dismissed for the non-prosecution by the LR's of the deceased-workman. File after completion be consigned to the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 21 मई, 2024

**का.आ. 975.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण— सह - श्रम न्यायालय नंबर 1, चंडीगढ़ के पंचाट (संदर्भ संख्या 65/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12/05/2024 को प्राप्त हुआ था।

[सं. एल-22011/9/2014-आईआर (सी.एम-II)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 21st May, 2024

**S.O. 975.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 65/2014) of the **Central Government Industrial Tribunal-cum-Labour Court No. 1, Chandigarh** as shown in the Annexure, in the industrial dispute between the Management of **Food Corporation of India** and their workmen, received by the Central Government on **12/05/2024**.

[No. L-22011/9/2014—IR (CM-II)]

MANIKANDAN. N, Dy. Director

## ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,  
CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No. 65/2014

Registered On: 21/04/2014

Sh. Balwan Singh S/o Sh. Surjan Singh, C/o Sh. Diwakar Modi, Advocate, 38/13-14, Ram Nagar, Karnal (Haryana), Karnal.

.....Workman

## Versus

The Area Manager, Food Corporation of India, Sandeep Chattha Complex, District Office, Pipli, Kurukshetra (Haryana).

.....Management

## AWARD

Passed On: 25.04.2024

Central Government vide Notification No. L-22011/9/2014 (IR(CM-II)) dated 25.03.2014, under clause (d) of Sub-Section (1) sub-section (2) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

**“Whether the action of the Area Manager, Food Corporation of India, Sandeep Chattha Complex, District Office, Pipli, Kurukshetra (Haryana) in termination of services of Shri Balwan Singh S/o Sh. Surjan Singh, Ex-Workman w.e.f. 30.05.2012 is just, proper and legal? If not, to what relief the workman is entitled to and from which date?”**

1. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on behalf of workman since long i.e. from 14.05.2019.
2. Perused the file and it is found that the Several opportunities have already been given to the workman to file the evidence of workman but of no use. Which denotes that the workman is not interested in adjudication of the matter on merits as such, this Tribunal is left with no choice except to pass a ‘No Claim Award’. Accordingly, no claim award is passed in the present case for the non-prosecution of workman. File after completion be consigned in the record room.
3. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 21 मई, 2024

**का.आ. 976.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबद्ध नियोजको और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण— सह - श्रम न्यायालय नंबर 1, चंडीगढ़ के पंचाट (संदर्भ संख्या 64/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12/05/2024 को प्राप्त हुआ था।

[सं. एल-22011/8/2014-आईआर (सी.एम-II)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 21st May, 2024

**S.O. 976.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 64/2014) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of Food Corporation of India and their workmen, received by the Central Government on 12/05/2024.

[No. L-22011/8/2014- IR (CM-II)]

MANIKANDAN. N, Dy. Director

## ANNEXURE

## CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No. 64/2014

Registered On: 21/04/2014

Sh. Mahinder Singh S/o Sh. Phoola Ram, C/o Sh. Diwakar Modi, Advocate, 38/13-14, Ram Nagar, Karnal (Haryana), Karnal.

.....Workman

## Versus

The Area Manager, Food Corporation of India, Sandeep Chattha Complex, District Office, Pipli, Kurukshetra (Haryana).

.....Management

## AWARD

Passed On: 25.04.2024

Central Government vide Notification No. L-22011/8/2014 (IR(CM-II)) dated 25.03.2014, under clause (d) of Sub-Section (1) sub-section (2) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

**“Whether the action of the Area Manager, Food Corporation of India, Sandeep Chattha Complex, District Office, Pipli, Kurukshetra (Haryana) in termination of services of Shri Mahinder Singh S/o Sh. Phoola Ram, Ex-Workman w.e.f. 30.05.2012 is just, proper and legal? If not, to what relief the workman is entitled to and from which date?”**

1. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on behalf of workman since long i.e. from 14.05.2019.
2. Perused the file and it is found that the Several opportunities have already been given to the workman to file the evidence of workman but of no use. Which denotes that the workman is not interested in adjudication of the matter on merits as such, this Tribunal is left with no choice except to pass a ‘No Claim Award’. Accordingly, no claim award is passed in the present case for the non-prosecution of workman. File after completion be consigned in the record room.
3. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 21 मई, 2024

**का.आ. 977.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण— सह - श्रम न्यायालय नंबर 1, चंडीगढ़ के पंचाट (संदर्भ संख्या 67/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12/05/2024 को प्राप्त हुआ था।

[सं. एल-22011/11/2014-आईआर (सी.एम-II)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 21st May, 2024

**S.O. 977.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 67/2014) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of Food Corporation of India and their workmen, received by the Central Government on 12/05/2024.

[No. L-22011/11/2014- IR (CM-II)]

MANIKANDAN. N, Dy. Director

## ANNEXURE

## CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No. 67/2014

Registered On: 21/04/2014

Sh. Krishan Kumar S/o Sh. Jagdish Chand, C/o Sh. Diwakar Modi, Advocate, 38/13-14, Ram Nagar, Karnal (Haryana), Karnal.

.....Workman

## Versus

The Area Manager, Food Corporation of India, Sandeep Chattha Complex, District office, Pipli, Kurukshetra (Haryana), Kurukshetra.

.....Management

## AWARD

Passed On: 25.04.2024

Central Government vide Notification No. L-22011/11/2014 (IR(CM-II)) dated 27.03.2014, under clause (d) of Sub-Section (1) sub-section (2) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

**“Whether the action of the Area Manager, Food Corporation of India, Sandeep Chatta Complex, District Office, Pipli, Kurukshetra (Haryana) in termination of services of Shri Krishan Kumar S/o Sh. Jagdish Chand, Ex-Workman w.e.f. 30.05.2012 is just, proper and legal? If not, to what relief the workman is entitled to and from which date?”**

1. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on behalf of workman since long i.e. from 14.05.2019.
2. Perused the file and it is found that the Several opportunities have already been given to the workman to file the evidence of workman but of no use. Which denotes that the workman is not interested in adjudication of the matter on merits as such, this Tribunal is left with no choice except to pass a ‘No Claim Award’. Accordingly, no claim award is passed in the present case for the non-prosecution of workman. File after completion be consigned in the record room.
3. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 21 मई, 2024

**का.आ. 978.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण— सह - श्रम न्यायालय नंबर 1, चंडीगढ़ के पंचाट (संदर्भ संख्या 62/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12/05/2024 को प्राप्त हुआ था।

[सं. एल-22011/6/2014-आईआर (सी.एम-II)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 21st May, 2024

**S.O. 978.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 62/2014) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of Food Corporation of India and their workmen, received by the Central Government on 12/05/2024.

[No. L-22011/6/2014- IR (CM-II)]

MANIKANDAN. N, Dy. Director



## ANNEXURE

## CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No. 62/2014

Registered On: 21/04/2014

Sh. Raj Kumar S/o Sh. Desh Raj, C/o Sh. Diwakar Modi, Advocate, 38/13-14, Ram Nagar, Karnal (Haryana), Karnal.

.....Workman

## Versus

The Area Manager, Food Corporation of India, Sandeep Chattha Complex, District Office, Pipli, Kurukshetra (Haryana), Kurukshetra.

.....Management

## AWARD

Passed On: 25.04.2024

Central Government vide Notification No. L-22011/6/2014 (IR(CM-II)) dated 25.03.2014, under clause (d) of Sub-Section (1) sub-section (2) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

**“Whether the action of the Area Manager, Food Corporation of India, Sandeep Chatta Complex, District Office, Pipli, Kurukshetra (Haryana) in termination of services of Shri Raj Kumar S/o Shri Desh Raj, Ex-Workman w.e.f. 30.05.2012 is just, proper and legal? If not, to what relief the workman is entitled to and from which date?”**

1. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on behalf of workman since long i.e. from 14.05.2019.
2. Perused the file and it is found that the Several opportunities have already been given to the workman to file the evidence of workman but of no use. Which denotes that the workman is not interested in adjudication of the matter on merits as such, this Tribunal is left with no choice except to pass a ‘No Claim Award’. Accordingly, no claim award is passed in the present case for the non-prosecution of workman. File after completion be consigned in the record room.
3. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 21 मई, 2024

**का.आ. 979.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण— सह — श्रम न्यायालय नंबर 1, चंडीगढ़ के पंचाट (संदर्भ संख्या 72/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12/05/2024 को प्राप्त हुआ था।

[सं. एल-22011/16/2014-आईआर (सी.एम-II)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 21st May, 2024

**S.O. 979.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 72/2014) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of Food Corporation of India and their workmen, received by the Central Government on 12/05/2024.

[No. L-22011/16/2014— IR (CM-II)]

MANIKANDAN. N, Dy. Director



## ANNEXURE

## CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No. 72/2014

Registered On: 21/04/2014

Sh. Rajesh Kumar S/o Sh. Desh Raj, C/o Sh. Diwakar Modi, Advocate, 38/13-14, Ram Nagar, Karnal (Haryana), Karnal.

.....Workman

## Versus

The Area Manager, Food Corporation of India, Sandeep Chattha Complex, District Office, Pipli, Kurukshetra (Haryana), Kurukshetra.

.....Management

## AWARD

Passed On: 25.04.2024

Central Government vide Notification No. L-22011/16/2014 (IR(CM-II)) dated 27.03.2014, under clause (d) of Sub-Section (1) sub-section (2) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

**“Whether the action of the Area Manager, Food Corporation of India, Sandeep Chattha Complex, District Office, Pipli, Kurukshetra (Haryana) in termination of services of Shri Rajesh Kumar S/o Sh. Desh Raj, Ex-Workman w.e.f. 30.05.2012 is just, proper and legal? If not, to what relief the workman is entitled to and from which date?”**

1. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on behalf of workman since long i.e. from 14.05.2019.
2. Perused the file and it is found that the Several opportunities have already been given to the workman to file the evidence of workman but of no use. Which denotes that the workman is not interested in adjudication of the matter on merits as such, this Tribunal is left with no choice except to pass a ‘No Claim Award’. Accordingly, no claim award is passed in the present case for the non-prosecution of workman. File after completion be consigned in the record room.
3. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 21 मई, 2024

**का.आ. 980.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण— सह - श्रम न्यायालय नंबर 1, चंडीगढ़ के पंचाट (संदर्भ संख्या 71/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12/05/2024 को प्राप्त हुआ था।

[सं. एल-22011/15/2014-आईआर (सी.एम-II)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 21st May, 2024

**S.O. 980.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 71/2014) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of Food Corporation of India and their workmen, received by the Central Government on 12/05/2024.

[No. L-22011/15/2014- IR (CM-II)]

MANIKANDAN. N, Dy. Director

## ANNEXURE

## CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No. 71/2014

Registered On: 21/04/2014

Sh. Rajeev Kumar S/o Sh. Duliya Ram, C/o Sh. Diwakar Modi, Advocate, 38/13-14, Ram Nagar, Karnal (Haryana), Karnal.

.....Workman

## Versus

The Area Manager, Food Corporation of India, Sandeep Chattha Complex, District Office, Pipli, Kurukshetra (Haryana), Kurukshetra.

.....Management

## AWARD

Passed On: 25.04.2024

Central Government vide Notification No. L-22011/15/2014 (IR(CM-II)) dated 28.03.2014, under clause (d) of Sub-Section (1) sub-section (2) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

**“Whether the action of the Area Manager, Food Corporation of India, Sandeep Chattha Complex, District Office, Pipli, Kurukshetra (Haryana) in termination of services of Shri Rajeev Kumar S/o Sh. Duliya Ram, Ex-Workman w.e.f. 30.05.2012 is just, proper and legal? If not, to what relief the workman is entitled to and from which date?”**

1. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on behalf of workman since long i.e. from 14.05.2019.
2. Perused the file and it is found that the Several opportunities have already been given to the workman to file the evidence of workman but of no use. Which denotes that the workman is not interested in adjudication of the matter on merits as such, this Tribunal is left with no choice except to pass a ‘No Claim Award’. Accordingly, no claim award is passed in the present case for the non-prosecution of workman. File after completion be consigned in the record room.
3. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 21 मई, 2024

**का.आ. 981.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबद्ध नियोजको और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण— सह - श्रम न्यायालय नंबर 1, चंडीगढ़ के पंचाट (संदर्भ संख्या 70/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12/05/2024 को प्राप्त हुआ था।

[सं. एल-22011/14/2014-आईआर (सी.एम-II)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 21st May, 2024

**S.O. 981.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 70/2014) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of Food Corporation of India and their workmen, received by the Central Government on 12/05/2024.

[No. L-22011/14/2014— IR (CM-II)]

MANIKANDAN. N, Dy. Director

## ANNEXURE

## CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No. 70/2014

Registered On: 21/04/2014

Sh. Sanjeev Kumar S/o Sh. Pala Ram, C/o Sh. Diwakar Modi, Advocate, 38/13-14, Ram Nagar, Karnal (Haryana), Karnal.

.....Workman

## Versus

The Area Manager, Food Corporation of India, Sandeep Chattha Complex, District office, Pipli, Kurukshetra (Haryana), Kurukshetra.

.....Management

## AWARD

Passed On: 25.04.2024

Central Government vide Notification No. L-22011/14/2014 (IR(CM-II)) dated 28.03.2014, under clause (d) of Sub-Section (1) sub-section (2) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

**“Whether the action of the Area Manager, Food Corporation of India, Sandeep Chattha Complex, District Office, Pipli, Kurukshetra (Haryana) in termination of services of Shri Sanjeev Kumar S/o Sh. Pala Ram, Ex-Workman w.e.f. 30.05.2012 is just, proper and legal? If not, to what relief the workman is entitled to and from which date?”**

1. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on behalf of workman since long i.e. from 14.05.2019.
2. Perused the file and it is found that the Several opportunities have already been given to the workman to file the evidence of workman but of no use. Which denotes that the workman is not interested in adjudication of the matter on merits as such, this Tribunal is left with no choice except to pass a ‘No Claim Award’. Accordingly, no claim award is passed in the present case for the non-prosecution of workman. File after completion be consigned in the record room.
3. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 21 मई, 2024

**का.आ. 982.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबद्ध नियोजको और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय नंबर 1, चंडीगढ़ के पंचाट (संदर्भ संख्या 69/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12/05/2024 को प्राप्त हुआ था।

[सं. एल-22011/13/2014-आईआर (सी.एम-II)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 21st May, 2024

**S.O. 982.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 69/2014) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of Food Corporation of India and their workmen, received by the Central Government on 12/05/2024.

[No. L-22011/13/2014- IR (CM-II)]

MANIKANDAN. N, Dy. Director

## ANNEXURE

## CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No. 69/2014

Registered On: 21/04/2014

Sh. Sanjay Kumar S/o Sh. Prem Singh, C/o Sh. Diwakar Modi, Advocate, 38/13-14, Ram Nagar, Karnal (Haryana), Karnal.

.....Workman

## Versus

The Area Manager, Food Corporation of India, Sandeep Chattha Complex, District office, Pipli, Kurukshetra (Haryana), Kurukshetra.

.....Management

## AWARD

Passed On: 25.04.2024

Central Government vide Notification No. L-22011/13/2014 (IR(CM-II)) dated 28.03.2014, under clause (d) of Sub-Section (1) sub-section (2) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

**“Whether the action of the Area Manager, Food Corporation of India, Sandeep Chattha Complex, District Office, Pipli, Kurukshetra (Haryana) in termination of services of Shri Sanjay Kumar S/o Sh. Prem Singh, Ex-Workman w.e.f. 30.05.2012 is just, proper and legal? If not, to what relief the workman is entitled to and from which date?”**

1. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on behalf of workman since long i.e. from 14.05.2019.
2. Perused the file and it is found that the Several opportunities have already been given to the workman to file the evidence of workman but of no use. Which denotes that the workman is not interested in adjudication of the matter on merits as such, this Tribunal is left with no choice except to pass a ‘No Claim Award’. Accordingly, no claim award is passed in the present case for the non-prosecution of workman. File after completion be consigned in the record room.
3. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 21 मई, 2024

**का.आ. 983.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण— सह - श्रम न्यायालय नंबर 1, चंडीगढ़ के पंचाट (संदर्भ संख्या 68/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12/05/2024 को प्राप्त हुआ था।

[सं. एल-22011/12/2014-आईआर (सी.एम-II)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 21st May, 2024

**S.O. 983.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 68/2014) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of Food Corporation of India and their workmen, received by the Central Government on 12/05/2024.

[No. L-22011/12/2014— IR (CM-II)]

MANIKANDAN. N, Dy. Director

## ANNEXURE

## CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No. 68/2014

Registered On: 21/04/2014

Sh. Dharam Pal S/o Sh. Karesan Lal, C/o Sh. Diwakar Modi, Advocate, 38/13-14, Ram Nagar, Karnal (Haryana), Karnal.

.....Workman

## Versus

The Area Manager, Food Corporation of India, Sandeep Chattha Complex, District office, Pipli, Kurukshetra (Haryana), Kurukshetra.

.....Management

## AWARD

Passed On: 25.04.2024

Central Government vide Notification No. L-22011/12/2014 (IR(CM-II)) dated 27.03.2014, under clause (d) of Sub-Section (1) sub-section (2) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

**“Whether the action of the Area Manager, Food Corporation of India, Sandeep Chattha Complex, District Office, Pipli, Kurukshetra (Haryana) in termination of services of Shri Dharam Pal S/o Sh. Karesan Lal, Ex-Workman w.e.f. 30.05.2012 is just, proper and legal? If not, to what relief the workman is entitled to and from which date?”**

1. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on behalf of workman since long i.e. from 14.05.2019.
2. Perused the file and it is found that the Several opportunities have already been given to the workman to file the evidence of workman but of no use. Which denotes that the workman is not interested in adjudication of the matter on merits as such, this Tribunal is left with no choice except to pass a ‘No Claim Award’. Accordingly, no claim award is passed in the present case for the non-prosecution of workman. File after completion be consigned in the record room.
3. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 21 मई, 2024

**का.आ. 984.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण— सह - श्रम न्यायालय नंबर 1, चंडीगढ़ के पंचाट (संदर्भ संख्या 66/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12/05/2024 को प्राप्त हुआ था।

[सं. एल-22011/10/2014-आईआर (सी.एम-II)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 21st May, 2024

**S.O. 984.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 66/2014) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of Food Corporation of India and their workmen, received by the Central Government on 12/05/2024.

[No. L-22011/10/2014— IR (CM-II)]

MANIKANDAN. N, Dy. Director

## ANNEXURE

## CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No. 66/2014

Registered On: 21/04/2014

Sh. Sultan Singh S/o Sh. Surjan Singh, C/o Sh. Diwakar Modi, Advocate, 38/13-14, Ram Nagar, Karnal (Haryana), Karnal.

.....Workman

## Versus

The Area Manager, Food Corporation of India, Sandeep Chattha Complex, District office, Pipli, Kurukshetra (Haryana), Kurukshetra.

.....Management

## AWARD

Passed On: 25.04.2024

Central Government vide Notification No. L-22011/10/2014 (IR(CM-II)) dated 25.03.2014, under clause (d) of Sub-Section (1) sub-section (2) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

**“Whether the action of the Area Manager, Food Corporation of India, Sandeep Chattha Complex, District Office, Pipli, Kurukshetra (Haryana) in termination of services of Shri Sultan Singh S/o Sh. Surjan Singh, Ex-Workman w.e.f. 30.05.2012 is just, proper and legal? If not, to what relief the workman is entitled to and from which date?”**

1. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on behalf of workman since long i.e. from 14.05.2019.
2. Perused the file and it is found that the Several opportunities have already been given to the workman to file the evidence of workman but of no use. Which denotes that the workman is not interested in adjudication of the matter on merits as such, this Tribunal is left with no choice except to pass a ‘No Claim Award’. Accordingly, no claim award is passed in the present case for the non-prosecution of workman. File after completion be consigned in the record room.
3. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 21 मई, 2024

**का.आ. 985.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण— सह – श्रम न्यायालय नंबर 1, चंडीगढ़ के पंचाट (संदर्भ संख्या 63/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12/05/2024 को प्राप्त हुआ था।

[सं. एल-22011/7/2014-आईआर (सी.एम-II)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 21st May, 2024

**S.O. 985.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 63/2014) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of Food Corporation of India and their workmen, received by the Central Government on 12/05/2024.

[No. L-22011/7/2014- IR (CM-II)]

MANIKANDAN. N, Dy. Director

## ANNEXURE

## CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No. 63/2014

Registered On: 21/04/2014

Sh. Balkar S/o Sh. Mangat Ram, C/o Sh. Diwakar Modi, Advocate, 38/13-14, Ram Nagar, Karnal (Haryana), Karnal.

.....Workman

## Versus

The Area Manager, Food Corporation of India, Sandeep Chattha Complex, District office, Pipli, Kurukshetra (Haryana), Kurukshetra.

.....Management

## AWARD

Passed On: 25.04.2024

Central Government vide Notification No. L-22011/7/2014 (IR(CM-II)) dated 25.03.2014, under clause (d) of Sub-Section (1) sub-section (2) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

**“Whether the action of the Area Manager, Food Corporation of India, Sandeep Chattha Complex, District Office, Pipli, Kurukshetra (Haryana) in termination of services of Shri Balkar S/o Shri Mangat Ram, Ex-Workman w.e.f. 30.05.2012 is just, proper and legal? If not, to what relief the workman is entitled to and from which date?”**

1. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on behalf of workman since long i.e. from 14.05.2019.
2. Perused the file and it is found that the Several opportunities have already been given to the workman to file the evidence of workman but of no use. Which denotes that the workman is not interested in adjudication of the matter on merits as such, this Tribunal is left with no choice except to pass a ‘No Claim Award’. Accordingly, no claim award is passed in the present case for the non-prosecution of workman. File after completion be consigned in the record room.
3. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer